

105
FEDERAL ASSISTANCE TO STATE AND LOCAL
LAW ENFORCEMENT: THE PROPOSED ELIMI-
NATION OF THE BYRNE BLOCK GRANT

Y 4.G 74/7:ST 2/16

Federal Assistance to State and Loc...

HEARING
BEFORE THE
INFORMATION, JUSTICE, TRANSPORTATION,
AND AGRICULTURE SUBCOMMITTEE
OF THE
COMMITTEE ON
GOVERNMENT OPERATIONS
HOUSE OF REPRESENTATIVES
ONE HUNDRED THIRD CONGRESS
SECOND SESSION

MARCH 2, 1994

Printed for the use of the Committee on Government Operations



U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1994

85-061 CC

For sale by the U.S. Government Printing Office
Superintendent of Documents, Congressional Sales Office, Washington, DC 20402
ISBN 0-16-046449-8

10-
**FEDERAL ASSISTANCE TO STATE AND LOCAL
LAW ENFORCEMENT: THE PROPOSED ELIMI-
NATION OF THE BYRNE BLOCK GRANT**

4. G 74/7:ST 2/16

Federal Assistance to State and Loc...

HEARING
BEFORE THE
INFORMATION, JUSTICE, TRANSPORTATION,
AND AGRICULTURE SUBCOMMITTEE
OF THE
COMMITTEE ON
GOVERNMENT OPERATIONS
HOUSE OF REPRESENTATIVES
ONE HUNDRED THIRD CONGRESS
SECOND SESSION

MARCH 2, 1994

Printed for the use of the Committee on Government Operations



U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1994

85-061 CC

For sale by the U.S. Government Printing Office
Superintendent of Documents, Congressional Sales Office, Washington, DC 20402
ISBN 0-16-046449-8

COMMITTEE ON GOVERNMENT OPERATIONS

JOHN CONYERS, JR., Michigan, *Chairman*

CARDISS COLLINS, Illinois
HENRY A. WAXMAN, California
MIKE SYNAR, Oklahoma
STEPHEN L. NEAL, North Carolina
TOM LANTOS, California
MAJOR R. OWENS, New York
EDOLPHUS TOWNS, New York
JOHN M. SPRATT, JR., South Carolina
GARY A. CONDIT, California
COLLIN C. PETERSON, Minnesota
KAREN L. THURMAN, Florida
BOBBY L. RUSH, Illinois
CAROLYN B. MALONEY, New York
THOMAS M. BARRETT, Wisconsin
DONALD M. PAYNE, New Jersey
FLOYD H. FLAKE, New York
JAMES A. HAYES, Louisiana
CRAIG A. WASHINGTON, Texas
BARBARA-ROSE COLLINS, Michigan
CORRINE BROWN, Florida
MARJORIE MARGOLIES-MEZVINSKY,
Pennsylvania
LYNN C. WOOLSEY, California
GENE GREEN, Texas
BART STUPAK, Michigan

WILLIAM F. CLINGER, JR., Pennsylvania
AL MCCANDLESS, California
J. DENNIS HASTERT, Illinois
JON L. KYL, Arizona
CHRISTOPHER SHAYS, Connecticut
STEVEN SCHIFF, New Mexico
CHRISTOPHER COX, California
CRAIG THOMAS, Wyoming
ILEANA ROS-LEHTINEN, Florida
DICK ZIMMER, New Jersey
WILLIAM H. ZELIFF, JR., New Hampshire
JOHN M. MCHUGH, New York
STEPHEN HORN, California
DEBORAH PRYCE, Ohio
JOHN L. MICA, Florida
ROB PORTMAN, Ohio

BERNARD SANDERS, Vermont
(Independent)

JULIAN EPSTEIN, *Staff Director*
MATTHEW R. FLETCHER, *Minority Staff Director*

INFORMATION, JUSTICE, TRANSPORTATION, AND AGRICULTURE SUBCOMMITTEE

GARY A. CONDIT, California, *Chairman*

MAJOR R. OWENS, New York
KAREN L. THURMAN, Florida
LYNN C. WOOLSEY, California
BART STUPAK, Michigan

CRAIG THOMAS, Wyoming
ILEANA ROS-LEHTINEN, Florida
STEPHEN HORN, California

EX OFFICIO

JOHN CONYERS, JR., Michigan

WILLIAM F. CLINGER, JR., Pennsylvania

EDWARD L. ARMSTRONG, *Professional Staff Member*
AURORA OGG, *Clerk*

DIANE M. MAJOR, *Minority Professional Staff*

CONTENTS

	Page
Hearing held on March 2, 1994	1
Statement of:	
Albo, Joe, Jr., executive assistant for law enforcement, Governor's office, State of Arizona	193
Blitz, Jeffrey, Atlantic County prosecutor, president, County Prosecutors Association of New Jersey	226
Cahill, Donald L., chairman, national legislative committee, Fraternal Order of Police, Grand Lodge	118
Carr, Lt. Col. Thomas H., chief, Bureau of Drug Enforcement, Maryland State Police	218
Condit, Hon. Gary A., a Representative in Congress from the State of California, and chairman, Information, Justice, Transportation, and Agriculture Subcommittee: Opening statement	1
Dafoe, Ardith, director, Drug Law Enforcement Division, Michigan Office of Drug Control Policy, State of Michigan	172
Dean, Charles S., sheriff, Citrus County, FL	200
Doane, Joe, chief, California Bureau of Narcotics Enforcement	210
Johnson, Ray, executive director, Office of Criminal Justice Planning, State of California	88
Mulvihill, James, assistant attorney general, director, New Jersey Divi- sion of Criminal Justice	225
Pagel, Thomas, director, Division of Criminal Investigation, State of Wyo- ming	80
Timmons, Robert, executive director, Alabama Sheriffs Association	128
Townsend, Kathleen Kennedy, Deputy Assistant Attorney General, Office of Justice Programs, U.S. Department of Justice, accompanied by Grace Mastalli, Deputy Assistant Attorney General, Office of Policy Develop- ment; and Jack Nadol, Acting Director, BJA	44
Willborn, James, director, Texas Narcotics Control Program	103
Wise, Hon. Robert E., Jr., a Representative in Congress from the State of West Virginia	32
Letters, statements, etc., submitted for the record by:	
Albo, Joe, Jr., executive assistant for law enforcement, Governor's office, State of Arizona: Prepared statement	195
Blitz, Jeffrey, Atlantic County prosecutor, president, County Prosecutors Association of New Jersey: Prepared statement	228
Cahill, Donald L., chairman, national legislative committee, Fraternal Order of Police, Grand Lodge: Prepared statement	121
Carr, Lt. Col. Thomas H., chief, Bureau of Drug Enforcement, Maryland State Police: Prepared statement	221
Condit, Hon. Gary A., a Representative in Congress from the State of California, and chairman, Information, Justice, Transportation, and Agriculture Subcommittee:	
Correspondence between Lee Brown, drug czar, and Attorney Gen- eral Reno	60
Opening statement	3
Dafoe, Ardith, director, Drug Law Enforcement Division, Michigan Office of Drug Control Policy, State of Michigan: Prepared statement	177
Dean, Charles S., sheriff, Citrus County, FL: Prepared statement	204
Johnson, Ray, executive director, Office of Criminal Justice Planning, State of California: Prepared statement	91
Lungren, Daniel, E., attorney general, State of California	214
Mulvihill, James, assistant attorney general, director, New Jersey Divi- sion of Criminal Justice: Prepared statement	228

IV

	Page
Letters, statements, etc., submitted for the record by—Continued	
Pagel, Thomas, director, Division of Criminal Investigation, State of Wyoming: Prepared statement	84
Schiff, Hon. Steven, a Representative in Congress from the State of New Mexico: Prepared statement	8
Thomas, Hon. Craig, a Representative in Congress from the State of Wyoming: Prepared statement	6
Timmons, Robert, executive director, Alabama Sheriffs Association: Prepared statement	132
Townsend, Kathleen Kennedy, Deputy Assistant Attorney General, Office of Justice Programs, U.S. Department of Justice: Prepared statement ...	47
Willborn, James, director, Texas Narcotics Control Program: Prepared statement	106
Wise, Hon. Robert E., Jr., a Representative in Congress from the State of West Virginia:	
Information concerning previous hearings	34
Prepared statement	40

APPENDIXES

Appendix 1.—Submissions of Chairman Gary A. Condit	237
Appendix 2.—Submissions of Representative Robert E. Wise, Jr	246
Appendix 3.—Material submitted for the hearing record	266

FEDERAL ASSISTANCE TO STATE AND LOCAL LAW ENFORCEMENT: THE PROPOSED ELIMINATION OF THE BYRNE BLOCK GRANT

WEDNESDAY, MARCH 2, 1994

**HOUSE OF REPRESENTATIVES,
INFORMATION, JUSTICE, TRANSPORTATION,
AND AGRICULTURE SUBCOMMITTEE
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, DC.**

The subcommittee met, pursuant to notice, at 10 a.m., in room 2247, Rayburn House Office Building, Hon. Gary A. Condit (chairman of the subcommittee) presiding.

Members present: Representatives Gary A. Condit, Karen L. Thurman, Bart Stupak, Craig Thomas, Ileana Ros-Lehtinen, and Stephen Horn.

Also present: Representatives Jon L. Kyl and Joseph P. Kennedy II.

Staff present: Edward L. Armstrong, professional staff member; Aurora Ogg, clerk; and Diane M. Major, minority professional staff, Committee on Government Operations.

OPENING STATEMENT OF CHAIRMAN CONDIT

Mr. CONDIT. Good morning.

I would like to begin today by thanking all of those who have assisted in putting this hearing together. I would also like to apologize that we were not able to include more people on our witness list; time would not permit it. For this reason, I would ask for unanimous consent that the hearing record be kept open for 10 days so that anyone with interest in this program can submit testimony.

I also have several letters, both from my district and around the country, and some statements from other Members that I would like to submit for the record. I would also ask the indulgence of our witnesses today, if you could please summarize your statements and keep them in the range of 3 to 5 minutes, it would be greatly appreciated.

[The information is contained in the appendix.]

Mr. CONDIT. Today, I would like to applaud President Clinton for the strong position he has taken in increasing community policing and the commitment he has shown to law enforcement and all the assistance that he has given them. We would like to work with the administration to help craft a package of assistance to the State

and local law enforcement that responds to both the President's plan and the concerns of those who will be testifying here today.

It is certainly no secret that the administration has proposed to eliminate the Byrne formula grant program. In its place, locals will be offered a new program with community policing grants and more discretionary funds. I and some of the members of this committee have concerns about this arrangement. For example, how can we be sure that small communities will have the same access that they had before? What will become of the nearly 1,000 task forces that are funded by the Byrne program.

We have heard from dozens of law enforcement officials from all over the Nation who have similar concerns. I have also heard from large cities that are concerned that they are getting shortchanged with the current system. I hope we can use today's hearing to take an opportunity to look at any problems that exist in the Byrne program and discuss ways that we can solve these problems.

It seems to me that the broad-ranging flexibility in Byrne is consistent with the findings of the Vice President's National Performance Review. The NPR concluded that the President should empower communities by being committed to solutions that respect bottom-up initiatives rather than top-down requirements. I hope we can craft a package of law enforcement assistance that accomplishes this.

That is the purpose of this hearing today, to be constructive and try to find some solutions to the problems and answers to some of the questions and some of the concerns that the witnesses have today and people throughout this country.

With that, I will turn to Representative Craig Thomas, our ranking minority member for his statement and anything that he would like to submit for the record.

[The opening statement of Mr. Condit follows:]

Gary A. Condit, California, Chairman
 Major Owens, New York
 Karen Thurman, Florida
 Lynn Woolsey, California
 Bud Stupak, Michigan

Craig Thomas, Wyoming
 Ranking Minority Member
 Bruce Row-Lubiano, Florida
 Stephen Horn, California

ONE HUNDRED THIRD CONGRESS
Congress of the United States
House of Representatives
 Information, Justice, Transportation, and Agriculture
 Subcommittee
 of the
 Committee on Government Operations
 B-349-C Rayburn House Office Building
 Washington, DC 20515

VOICE (202) 225-3741

FAX (202) 225-2445

OPENING STATEMENT
CHAIRMAN GARY A. CONDIT

THE PROPOSED ELIMINATION OF THE
BYRNE BLOCK GRANT PROGRAM

MARCH 2, 1994

Good morning. I would like to begin today by thanking all of those who have assisted in putting this hearing together. I would also like to apologize that we were not able to include more people on our witness list--time would simply not permit it.

For this reason, I would ask unanimous consent that the hearing record be kept open for ten days so that anyone with an interest in this program can submit testimony. I also have several letters from both my District and around the country that I would like to submit for the record.

I would also ask the indulgence of our many witnesses today. If you could summarize your statements and keep them in the three-to-five minute range I would appreciate it.

First, let me say I applaud President Clinton for the strong position he has taken in increasing community policing and the commitment he has shown to law enforcement assistance. While we clearly do not agree on the exact way to deliver local law enforcement assistance, it would be wrong not to recognize the additional money that has been slated for this endeavor.

I am hoping I can work with the Administration to help craft a package of assistance to state and local law enforcement that responds to both the President's plans and the concerns of those who will testify today.

-more-

It is certainly no secret that the Administration has proposed to eliminate the Byrne Formula Grant Program. In its place the locals will be offered a new program with community policing grants and more discretionary funds.

I have some serious concerns about this arrangement. For example, how can we be sure that small communities will have the same access they had before? What will become of the nearly one-thousand task forces that are funded by the Byrne program?

Will this new program be flexible? The Merced County Sheriff's Department in my District was able to hire a South East Asian Gang suppression officer to work within their Hmong immigrant community. Will Sheriff Sawyer be able to continue this?

We have heard from dozens of law enforcement officials from throughout the nation who have similar concerns. I have also heard from large cities that are concerned that they are getting short-changed with the current system.

I hope we can use today's hearing to take a hard look at any problems that exist in the Byrne Program and discuss ways in which we can solve them. It seems to me that the broad ranging flexibility in Byrne is consistent with the findings of the Vice President's National Performance review.

The NPR concluded that the President should empower communities by being "committed to solutions that respect bottom-up initiatives rather than top-down requirements." I hope we can craft a package of law enforcement assistance that accomplishes this.

I will turn now to Representative Craig Thomas--our Ranking Minority Member--for any statement he may wish to deliver.

Our first witnesses at today's are two Representatives who have worked extensively with this program. Bob Wise, the former Chairman of this Subcommittee and Steve Schiff, a former prosecutor from New Mexico:

Representing the Department of Justice at this morning's hearing is Deputy Assistant Attorney General Kathleen Kennedy-Townsend.

Mr. THOMAS. Thank you, Mr. Chairman. I do appreciate you calling this hearing today. Unfortunately, crime has taken the center stage as more and more Americans are affected by the rising numbers and the rising incidence of crime. Even rural areas have become more vulnerable to crimes and drug and alcohol abuse, juvenile crimes, in particular, are on the rise.

President Clinton's proposal to take money away from rural areas is not a proper response. On January 25, the President announced, in his State of the Union Address, that reducing crime was one of the top priorities. His actions, then, we hope will match these words, because terminating the Byrne formula grant program is not the solution. The proposal is even more troublesome for rural communities, because it transfers the money to programs specifically geared for urban areas.

Our law enforcement officials know what the problems are, and they are telling us that flexibility is the key to combatting violent crime and drug enforcement issues. I have to tell you that those of us who come from small States and that have unique problems spend a great deal of our time, whether it's crime, or whether it's health care, or whether it's education, trying to make sure that the one-fits-all pattern of programs is flexible enough so that we can deal with problems that are unique.

Of course, most people would agree with the notion that the law enforcement folks have a better idea of how those funds can be spent than do people here in Washington. The Byrne formula grant program provides the flexibility the States need. It funds 21 various activities, ranging from reducing the demand for illegal drugs to improving our court and prosecution systems.

It is not up to me to decide what the States do with the money; that's the Governors' responsibility. But I clearly believe these flexible grants are critical to States in view of the fact that 95 percent of the crimes committed are at the State level. Local folks need to be able to decide and adjust these funds to meet their changing needs.

Mr. Chairman, if the administration's proposal is passed, Wyoming would stand to lose \$1.7 million. Surrounding States with serious gang problems, like Colorado, would lose up to \$5.5 million. If the administration wants to fight crime and the use of drugs so that citizens are safer, it must do it with successful programs, like formula grants, and reform the ones that don't work. Fighting crime is a serious problem, and we need a real commitment, not just talk about it, especially since drug use and crime are so closely linked.

So, like you, I hope we can find some useful areas here to strengthen these programs. I appreciate, again, the opportunity to be here and appreciate the witnesses that we will have today.

[The prepared statement of Mr. Thomas follows:]

Congress of the United States
House of Representatives
 Washington, DC 20515-5001

Opening Statement

**Federal Assistance to State and Local Law Enforcement:
 The Proposed Elimination of the Byrne Block Grant**

March 2, 1994
Room 2247 Rayburn Building

Mr. Chairman, thank you for calling today's hearing. Unfortunately, crime has taken center stage as more and more Americans are affected daily by its rising numbers. Even rural areas are becoming more vulnerable to crime, drugs and alcohol abuse -- juvenile crimes in particular are on the rise.

President Clinton's proposal to take money away from rural areas is not the proper response. On January 25, 1994, the president announced in his State of the Union Address that reducing crime is one of his top priorities. It's time his actions match his words because terminating the Byrne formula grant program is not the solution. His proposal is even more troublesome for rural communities because he transfers the money to programs specifically geared toward urban areas. Our law enforcement officials know what the problems are and they are telling us that flexibility is the key to combating violent crime and drug enforcement issues.

The Byrne formula grant program provides the flexibility states need. It funds twenty-one various activities -- ranging from reducing the demand for illegal drugs to improving our court and prosecutorial systems. It's not up to me to decide what states do with the money -- that's the governors responsibility. But I clearly believe these flexible grants are crucial to states in view of the fact that 95 percent of the crimes committed are at the state level. Local folks need to be able to decide and adjust these funds to meet their changing needs.

Mr. Chairman, if the Administration's proposal is passed, Wyoming will stand to lose \$1.7 million. Surrounding states with serious gang problems, like Colorado, will stand to lose \$5.8 million. If the administration wants to fight crime and drug use so that citizens are safer, it must keep the successful programs, like formula grants, and reform the ones that do not work. Fighting crime is a serious problem that needs real commitment -- not just talk -- especially since drug use and crime are so closely linked.

Mr. CONDIT. Thank you, Mr. Thomas.

We are going to get to the opening statements by the committee in just a moment, but I must get to our first witness this morning.

We are honored and delighted to have Mr. Wise, who is the former chairman of this subcommittee and who trained me, so you can blame him.

Mr. Schiff, who is a former prosecutor from New Mexico, who was, I believe, the ranking minority member of this subcommittee when you were the chair of the committee, was scheduled to be here, could not make it because he had a death in the family, and we give him our condolences. He will have an opportunity to submit testimony and any other items he has for the record.

[The prepared statement Mr. Schiff follows:]

TESTIMONY
OF
CONGRESSMAN STEVE SCHIFF

BEFORE THE
SUBCOMMITTEE ON INFORMATION, JUSTICE,
TRANSPORTATION AND AGRICULTURE

MARCH 2, 1994

Mr. Chairman, Members of the Subcommittee, I appreciate the invitation to testify at this important and timely hearing. It was my intention to be here in person this morning, but because of a death in the family, I was unable to return to Washington this week. I would, however, like to submit the following written testimony for the record.

On February 14, 1994, I sent a "Dear Colleague" to all House Members, alerting them to the very issue on which this hearing will focus--the Byrne Formula Grant Program, which is slated for elimination by the Administration's Fiscal Year 1995 Budget Proposal. In my "Dear Colleague" I asked Members to sign a letter to the President asking him to reinstate the funding for this program.

As you know, the Bureau of Justice Assistance administers the Edward Byrne Memorial Grant Program, which consists of a Formula Grant Program and a Discretionary Grant Program. The President's Fiscal Year 1995 Budget Proposal eliminates the Formula Grant Program (funded at \$358 million for FY94), which is considerably larger than the Discretionary Grant Program (funded at \$50 million for FY94 and a proposed increase to \$100 million for FY95).

I believe that, although it is best left to individual states to decide how to most effectively combat crime in each particular state and community, Federal assistance is necessary to help states develop and fund anti-crime programs and the Byrne Formula Grant Program is the largest federal crime-fighting resource for states.

Formula Grants are provided to state and local criminal justice agencies, based on a formula that takes into consideration the population of each state. The grants are used to help states combat violent crime, gang activity and drug

trafficking; implement drug control and treatment strategies; and demonstrate innovative initiatives such as drug abuse education and community policing.

Attached to my testimony is an Appendix, describing the many programs which are funded by the Byrne Formula Grants (through the New Mexico Drug Control and System Improvement Formula Grant Program) in my state of New Mexico, which received \$3,263,000 in fiscal year 1993. I would like to briefly touch on several of these programs.

I. D.A.R.E.

New Mexico (and many other states) funds its Drug Abuse Resistance Education (D.A.R.E.) programs through the Byrne Formula Grants. As you know, D.A.R.E. programs aim to prevent child and adolescent drug use and reduce drug trafficking by working through both the schools and the law enforcement community to educate our children about drug use and abuse. In FY93, New Mexico received \$425,000 in Byrne Formula Grants for its D.A.R.E. programs, which were operated by twenty-three local law enforcement agencies throughout the state.

II. Multi-Jurisdictional Task Forces

One of the most effective and widely-used programs throughout the country funded by the Byrne Formula Grants is the Multi-Jurisdictional Task Force. In FY93, New Mexico received \$708,900 to operate eleven Multi-Jurisdictional Task Forces (MJTF), coordinated by local and state law enforcement agencies throughout the state, many in counties bordering Mexico. The vast geographical area and rural nature of New Mexico make MJTF extremely effective because they allow for the coordinated

resources of separate law enforcement agencies and prosecutors (Federal, State and/or local), which serves several important functions: to aid in the conviction of more multi-jurisdictional narcotics offenders, to reduce duplicative investigations and prosecutions, and to enhance the recovery of criminal assets.

III. Treatment for Offenders

For the last four years, New Mexico has received Byrne Formula Grant funds (\$94,520 in FY93) for programs to treat alcohol and drug abuse among criminals. The two programs which were funded in 1993 aimed to identify and meet the treatment needs of adult and juvenile drug- and alcohol-dependent offenders. These programs included innovative treatment methods such as: redirection of criminal behavior, counseling and treatment for those on probation or in residential facilities, and assistance to reintegrate offenders and help them to remain drug-free once back in the community.

These are just a few of the successful and important programs in New Mexico which are funded by the Byrne Formula Grants. With the elimination of this source of funding, these and other highly effective programs are in danger of disappearing in every state.

In justifying the elimination of this grant program, the Administration has responded that it hopes that various programs in the Crime Bill will replace the state and local crime-fighting initiatives currently funded through the Byrne Formula Grant Program. I would like to point out, however, that the twenty-one purpose areas for which states can apply to use the Byrne Formula Grants have not been singled out for replacement in any of the various crime bills that Congress is currently

considering. I do not believe that eliminating this effective grant program with the mere promise to replace most of its funding with new programs is good enough. In addition, eliminating the Byrne Formula Grants before any new programs have been established risks a funding gap during this time of critical need for law enforcement funds.

In addition to the elimination of the Byrne Formula Grant Program, the Administration's Budget proposes many cuts in the federal workforce by 1999. Unfortunately, many of these reductions fall within federal crime-fighting agencies and departments, who must reduce their workforce at a time when the President has made the fight against crime a top priority.

For example, within the Criminal Division alone, the Department of Justice must eliminate twenty-eight permanent positions and twenty-eight full-time equivalent positions. The United States Attorneys Office must face even more drastic reductions, including 123 permanent positions, 143 full-time equivalent positions, and forty-five criminal prosecutors. The Federal Bureau of Investigation must eliminate 185 positions and 185 full-time equivalent positions. The Drug Enforcement Administration is required to reduce its workforce by 334 permanent positions and 355 full-time equivalent positions.

Though reductions in these departments and agencies will be taken across many programs, I do not believe this action will lead to a more efficient and effective fight against crime and drugs in this country.

Mr. Chairman, our constituents have demanded that we take action to fight crime and we, as lawmakers, are obligated to the citizens of this country to make our neighborhoods safe again.

Schiff, Page Five

By eliminating the Byrne Formula Grants and reducing the workforce of necessary federal crime-fighting and law enforcement agencies, we are contradicting the message to the states that the federal government is willing to help communities take back their streets.

I hope that the President will take into consideration our concern about these matters, and will act swiftly to reinstate the Byrne Formula Grant Program and reconsider the vast cuts in personnel in federal law enforcement agencies in his FY95 Budget.

Again, Mr. Chairman, I thank you for holding this important hearing and I appreciate the opportunity to present this written testimony for the record.

APPENDIX - SCHIFF

Attachment H-1

DCSI PROGRAM DESCRIPTIONS

Purpose Area 01

Program Title:

Drug Abuse Resistance Education (D.A.R.E.)

Number of Projects To Be Funded:

Approximately twenty three (23) operated by local law enforcement agencies.

Federal Cost of the Program: \$425,000.00

Authorized Purpose Area:

Demand reduction education programs in which law enforcement officers participate.

Year of Program Approval: 1989

Goals/Objectives of the Program:
Goal:

To prevent adolescent drug use and to reduce drug trafficking by eliminating the demand for drugs by future generations.

Objectives:

- To equip elementary and junior high students with the skills for recognizing and resisting social pressures to experiment with alcohol, tobacco, and drugs
- To help students develop self-esteem
- To teach positive alternatives to substance use
- To develop students' skills in risk assessment and decision making
- To build students' interpersonal and communication skills

In order to continue supporting demand reduction efforts in the State, DPS intends to expand the DARE program in New Mexico by encouraging law enforcement agencies to implement the program in their communities, to support the training of law enforcement officers who will work in the DARE program, and to promote community involvement in demand reduction efforts.

Critical Elements/Activities:

All projects must implement the following elements:

- Both education and law enforcement agencies must be involved early in planning for implementation.
- A written agreement must exist between law enforcement and school officials which demonstrates each agency's commitment to the DARE project and which defines their respective roles.

Attachment H-2

- The selection of DARE officers must comply, at a minimum, with the established federal guidelines.
- The training of DARE officers must comply, at a minimum, with the established federal guidelines.
- The core curriculum for DARE projects must comply, at a minimum, with the established federal guidelines.
- DARE officers must be available to provide the amount of classroom instruction necessary to achieve the goals of the project.
- DARE officers must be required to spend some informal time with students in order to enhance the interaction with the youth.
- DARE officers must be required to provide in-service orientation for teachers at the beginning of the school year.
- DARE officers must be required to invite parents to an evening session at which the officer explains the DARE program and how the family can provide support for it.
- DARE officers must be expected to participate in community presentations to ensure that the program is visible and widely accepted.

Evaluation Plan/Performance Measures:

The Department of Public Safety will include the D.A.R.E. program in at least one of its contracts for evaluation services.

Performance measures will be based on total numbers of clients served, expansion efforts, and perhaps case studies depicting any long-term impacts on clients which can successfully be tracked.

Purpose Area 02**Program Title:**

Multi-Jurisdictional Task Forces

Number of Projects To Be Funded:

Approximately eleven (11) operated by local and state law enforcement agencies.

Federal Cost of the Program: \$708,900.00

Authorized Purpose Area:

Multi-jurisdictional task force programs that integrate Federal, State and/or local drug law enforcement agencies and prosecutors for the purpose of enhancing interagency coordination and intelligence and facilitating multi-jurisdictional investigations.

Year of Program Approval: 1989

Goals/Objectives of the Program:

Goal:

To develop cooperative programs which involve two or more separate law enforcement entities which have different jurisdictional responsibilities, with formal agreements to work together as a team to enforce drug laws, usually with a focus on mid- or high-level traffickers. (Prosecutorial projects must be clearly integrated with the operations of a MJTF to be included in this purpose area.)

Objectives:

- To direct concentrated, coordinated resources towards the investigation, prosecution, and conviction of major multi-jurisdictional narcotics conspirators.
- To reduce the number of fractional and duplicative investigations and prosecutions.
- To enhance the recovery of criminal assets.
- To increase the use of civil remedies by promoting community policing.

Due to the fact that the State of New Mexico is quite expansive in area, this law enforcement technique appears to be successful. There are many rural areas within the State which have few law enforcement resources, and the promotion of this concept coupled with regional coordination has proven effective.

Critical Elements/Activities:

All projects must implement the following elements:

- Criteria must be established to identify, select, and prioritize investigative targets.
- Respective District Attorneys' Offices must be included as active participants in the task force.
- The assignment of cases for initiation of investigation and subsequent prosecution must be coordinated with the respective Regional Coordinator.
- A formal mechanism must be developed for the identification, acquisition, and assignment of resources and skills required in the investigative and prosecutorial process throughout the duration of the case.
- The Regional Coordinator must be involved in the coordination and monitoring of the cases to insure proper timing of investigative and prosecutorial activities, and facilitate decision-making concerning case continuance, referrals, refocusing, and closure.

Evaluation Plan/Performance Measures:

The Department of Public Safety will include multi-jurisdictional task forces in its evaluation plan for some process evaluations, and it will be requiring the reporting of task force data in order to perform some impact evaluations. DPS will also share

Attachment H-4

formal research data with state and local agencies throughout the State so that they may use the data in evaluating their projects. The data will consist of statewide crime statistics and baseline data from various communities throughout the State.

Performance measures will be based on total arrests, total amount of drugs seized, total amount of assets seized and forfeited, total convictions obtained, total number of agencies in the task force, and overall cooperation and coordination of law enforcement efforts.

Purpose Area 04

Program Title:
Community Crime Prevention

Number of Projects To Be Funded:
Approximately six (6) operated by local law enforcement agencies.

Federal Cost of the Program: \$71,230.00

Authorized Purpose Area:
Providing community and neighborhood programs that assist citizens in preventing and controlling crime, including special programs that address the problems of crimes committed against the elderly and special programs for rural jurisdictions.

Year of Program Approval: 1989

Goals/Objectives of the Program:
Goal:

To develop cooperative programs which involve citizens joining with law enforcement officials to take on the responsibility to insure the safety of their homes, work places, and neighborhoods.

Objectives:

- To mobilize community and neighborhood volunteers to aid local law enforcement agencies by enhancing the reporting and prevention of crimes.
- To establish linkages not only between law enforcement and residents, but also among other neighborhood organizations, service groups, and city and county agencies.
- To gather and analyze information about neighborhoods and their specific crime problems, including the concerns of the people who live and work there, and choosing a program and activities that fit the local situation.
- To implement a variety of crime prevention tactics within the target neighborhoods.

Attachment H-5

Due to the fact that there are many rural areas within the State which have few law enforcement resources, the involvement of local citizens in crime prevention is essential.

Critical Elements/Activities:

All projects must implement the following elements:

- Community crime prevention projects may be initiated by either law enforcement or by community organizations, but both must be actively involved in the effort.
- Community crime prevention projects must be targeted to meet the needs and problems of specific communities or neighborhoods and to reflect the differing factors contributing to crime and the fear of crime.
- Community crime prevention projects may involve, but are not limited to, the following types of tactics: Neighborhood Watch; Operation ID; Citizen Patrols; Escort Services; Block Homes; Safe Homes; Safe Havens; McGruff Houses; neighborhood clean-ups; crime prevention fairs; audio/visual presentations; pamphlets; presentations to civic groups, schools, and others.

Evaluation Plan/Performance Measures:

The Department of Public Safety will perform process evaluations on the Community Crime Prevention projects which it funds, and DPS may include at least one CCP project for an impact evaluation.

Performance measures will be based on success of community mobilization efforts, total number of citizens involved, total number of citizens affected, and citizen attitudes towards crime in their communities.

Purpose Area 07a**Program Title:**

Integrated Criminal Apprehension Program (ICAP)

Number of Projects To Be Funded:

Approximately one (1) ICAP projects operated by the State's law enforcement agency.

Federal Cost of the Program: \$175,000.00

Authorized Purpose Area:

Improving the operational effectiveness of law enforcement through the use of collaborative crime analysis techniques and regionally coordinated street sales enforcement.

Year of Program Approval: 1989

Goals/Objectives of the Program:

Goal:

To increase the clearance rate of drug and violent crime cases, as well as the arrest and prosecution of serious offenders by instituting improved allocation and deployment of law enforcement patrol and investigative resources through the use of the regional cooperative concept.

Objectives:

- To improve field operations through increased use of information derived from collaborative analysis.
- To refine the managerial capability of those involved in the deployment of law enforcement resources to deliver services, direct resources, and deal with serious crime.

Due to the fact that the State of New Mexico is quite expansive in area, dividing the State into seven separate drug regions headed by seven Regional Coordinators has proven to be successful. There are many rural areas within the State which have few law enforcement resources, and the promotion of this concept has proven effective.

Critical Elements/Activities:

All projects must implement the following elements:

- All participating agencies must make a commitment to deploy manpower based on an analysis of crime and crime-related information. There must be a recognition that ICAP is a comprehensive and long-range program.
- Data gathering is an essential function which must take place and should be coordinated by each Regional Coordinator. Data collection is the first step in the crime analysis process, and the timely collection of appropriate data is crucial to the effectiveness of an ICAP project.
- Policies and procedures must be developed to implement the ICAP decision model which emphasizes the need for law enforcement managers to use information to make strategic and tactical decisions. It promotes the concept of a centralized crime analysis unit which links all ICAP activities and which develops tactical information for patrol, special operations, and investigative supervisors to use in their operations.
- The analysis and dissemination of information must be coordinated by each Regional Coordinator.
- Each ICAP project must establish goals and objectives which will be used to guide the planning of activities, the setting of priorities, and the making of decisions.
- Each ICAP must develop plans for the management of patrol functions and the management of criminal investigations.

Evaluation Plan/Performance Measures:

The Department of Public Safety will perform process evaluations on the ICAP Projects which it funds. DPS will also evaluate the effectiveness of this program by utilizing data which is collected by each of the ICAPs.

Performance measures will be based on total number of arrests, crime rates, overall effectiveness, improved operations, intelligence shared, and resources shared.

Purpose Area 08**Program Title:**

Career Criminal Prosecution or Model Drug and Violent Crime Control Legislation

Number of Projects To Be Funded:

Approximately two (2) operated by District Attorneys' Offices.

Federal Cost of the Program: \$118,150.00

Authorized Purpose Area:

Career criminal prosecution programs, including the development of model drug and violent crime control legislation.

Year of Program Approval: 1989

Goals/Objectives of the Program:**Goal:**

To improve public safety and disrupt foreseeable patterns of serious criminal activity through effective prosecution and case management.

Objectives:

- To promote prosecution efforts to craft new laws or to utilize existing laws more effectively against offenders, with a focus primarily on improved operations of one office or within a single jurisdiction.
- To incapacitate greater numbers of repeat and violent offenders by improving the prosecutor's resources and management capabilities.
- To improve the prosecutor's ability to screen, prosecute, and follow up on repeat and violent offenders.

As is true throughout the country, a large proportion of the crimes in New Mexico are committed by a small group of repeat and serious offenders. A concentrated, concerted effort to target these offenders is based on the view that:

- Faster disposition of these cases could encourage imposition of higher bail and greater use of pretrial detention, thus reducing the defendant's opportunity to commit more crimes; and,
- Swifter prosecution and more certain punishment could operate as a deterrent, if only through the incapacitation of the repeat offenders themselves.

Critical Elements/Activities:

All projects must undertake to implement the following elements:

- Career Criminal Prosecution Programs must be established as separate units within prosecutors' offices.
- Experienced prosecutors must be assigned permanently to the unit.
- A means for direct police referral of potential cases to the special prosecution unit must exist.
- There must be a firmly established procedure to screen all felony charges/defendants and, in the process, identify those cases to be referred for prioritized prosecution.
- The concept of vertical prosecution, whereby one prosecutor has the responsibility for a case from beginning to end, must be a major component of the program.
- A Career Criminal Prosecution Program must develop a close working relationship with law enforcement agencies, to include the investigative process as well.
- Career Criminal Prosecution Programs must work in conjunction with the courts in order to develop a priority scheduling procedure to expedite cases involving repeat offenders.

Evaluation Plan/Performance Measures:

DPS will continue to perform process evaluations on the Career Criminal Prosecution projects which it funds. DPS will also evaluate the effectiveness of this program area by utilizing data which is collected by each of the projects.

Performance measures will be based on total number of career criminals arrested and prosecuted, level of communication between criminal justice entities, amount of cases which received vertical prosecution, types of legislation passed, and total number of prosecutors and other resources dedicated to the project.

Purpose Area 10

Program Title:
Court System Improvement

Number of Projects To Be Funded:
Approximately two (2) operated by one of the Judicial Districts.

Federal Cost of the Program: \$118,150.00

Authorized Purpose Area:
Improving the operational effectiveness of the court process by implementing court delay reduction programs.

Year of Program Approval: 1989

Goals/Objectives of the Program:

Goal:

To improve the justice process by creating an efficient and equitable judicial system.

Objectives:

- To support basic research by collecting and analyzing case processing data from trial courts, thus identifying critical factors for successful, speedy, criminal case processing.
- To experiment with different case management techniques and identifying those that are the most efficient and effective.
- To compare current case processing rates with established standards for reasonable case processing times.
- To provide recommendations and training to court personnel regarding proven methods of delay reduction, and help them develop viable delay reduction plans.

It is believed that the initial step toward more timely adjudication is court control of cases within tighter case processing goals.

Critical Elements/Activities:

All projects must undertake to implement the following elements:

- A Justice System Coordinating Committee, which meets regularly, must be formed as a coordinating mechanism for affected justice system decision makers.
- Critical factors affecting efficient case processing must be defined.
- An analysis of the case processing system of the court must be completed.
- Statistical or sampling data on case processing times from commencement through disposition must be collected.

- The court in question must be organized for effective case management.
- Case processing and operating goals must be developed.
- Changes must be implemented through task forces and committees.
- A permanent monitoring and control system must be established.

Evaluation Plan/Performance Measures:

DPS will continue to perform process evaluations on the Court Delay Reduction projects which it funds. DPS will also evaluate the effectiveness of this program area by utilizing data which is collected by each of the projects.

Performance measures will be based on the success of recommended procedures, a decrease in case processing times, and total number of court employees trained.

Purpose Area 11

Program Title:

Corrections System Improvement - Intensive Supervision Probation and Parole (ISPP)

Number of Projects To Be Funded:

Approximately two (2) operated by state or local units of government.

Federal Cost of the Program: \$118,150.00

Authorized Purpose Area:

Programs designed to improve the corrections system by providing alternatives to incarceration through the use of intensive supervision programs by probation/parole agencies.

Year of Program Approval: 1989

Goals/Objectives of the Program:

Goal:

To provide a cost-effective sentencing/placement option which satisfies punishment, public safety, and treatment objectives.

Objectives:

- To provide a cost-effective community option for offenders who would otherwise be incarcerated.
- To administer sanctions appropriate to the seriousness of the offense.
- To promote public safety by providing surveillance and risk control strategies indicated by the risk and needs of the offender.
- To increase the availability of treatment resources to meet offender needs.

- To promote a crime-free lifestyle by requiring ISPP offenders to be employed, perform community service, make restitution, and remain substance-free.

With the rising costs of incarceration, the trend around the country has been to search for intermediate sanctions and viable alternatives to long-term and short-term incarceration.

Critical Elements/Activities:

All projects must undertake to implement the following elements:

- A needs assessment must be conducted to identify the availability of a pool of potential participants with a suitable profile for placement in an ISPP program.
- A classification component must be developed to ensure selection of the targeted population, and supervision and treatment components to administer sanctions and to control offender behavior.
- Political, organizational, and community support must be obtained.
- Requirements for successful program completion should be developed and based on measurable progress towards clearly specified goals and objectives.
- Program participation must be at least six (6) months in length.
- An array of sanctions and guidelines must be developed to handle violations with speed and certainty.
- Adequate pre-service and ongoing staff training must be an integral part of the program.
- Methods of offender supervision must include, at a minimum, face-to-face contacts, home visits, employment visits, verifications of treatment program participation, and random personal or automated phone calls.
- Evaluation procedures must be developed for monitoring the implementation of program design features.

Evaluation Plan/Performance Measures:

DPS will continue to perform process evaluations on the ISPP projects which it funds. DPS will also evaluate the effectiveness of this program area by utilizing data which is collected by each of the projects.

Performance measures will be based on the total number of clients served, the incidence of reinvolverment with the criminal justice system by participants who successfully or unsuccessfully completed the program, and the variety of methods used with the target population.

Purpose Area 13**Program Title:**

Treatment for Offenders

Number of Projects To Be Funded:

Approximately two (2) operated by state or local units of government.

Federal Cost of the Program: \$94,520.00

Authorized Purpose Area:

Programs which identify and meet the treatment needs of adult and juvenile drug-dependent and alcohol-dependent offenders.

Year of Program Approval: 1989

Goals/Objectives of the Program:**Goal:**

To provide cost-effective counseling and treatment programs for criminal justice clients, whether or not residential and whether or not correctional-facility based.

Objectives:

- To provide the criminal justice system with additional counseling and treatment community-based resources.
- To enhance case-management services in order to increase the efficient use of community resources in the identification, control, and treatment of alcohol/drug abusing offenders.
- To reduce an offender's dependence on alcohol/drugs in order to redirect behavior away from crime.
- To increase the likelihood of successful reintegration of the drug/alcohol dependent offender into the community.
- To promote a crime-free lifestyle by requiring offenders to perform community service and remain substance-free.

The continuing high incidence of alcohol and drug addiction associated with criminal activity presents a unique challenge to the criminal justice system. This relationship between substance abuse and criminal behavior manifests itself in high recidivism, prolonged incarceration and detention, and medical emergencies.

Critical Elements/Activities:

All projects must undertake to implement the following elements:

- A needs assessment must be conducted to identify the availability of a pool of potential participants with a suitable profile for placement in a treatment program.

- A classification component must be developed to ensure selection of the targeted population, and supervision and treatment components to administer sanctions and to control offender behavior.
- Political, organizational, and community support must be obtained.
- Requirements for successful program completion should be developed and based on measurable progress towards clearly specified goals and objectives.
- Program participation must be at least six (6) months in length.
- An array of sanctions and guidelines must be developed to handle violations with speed and certainty.
- Adequate pre-service and ongoing staff training must be an integral part of the program.
- Evaluation procedures must be developed for monitoring the implementation of program design features.

Evaluation Plan/Performance Measures:

DPS will continue to perform process evaluations on the offender treatment projects which it funds. DPS will also evaluate the effectiveness of this program area by utilizing data which is collected by each of the projects.

Performance measures will be based on the total number of clients served, the incidence of reinvolverment with the criminal justice system by participants who successfully or unsuccessfully completed the program, and the variety of methods used with the target population.

Purpose Area 15 a & b**Program Title:**

Drug Testing and Criminal Justice Information Systems

Number of Projects To Be Funded:

Approximately two (2) operated by state or local units of government.

Federal Cost of the Program: \$118,150.00

Authorized Purpose Area:

Programs to improve drug control technology and criminal justice information systems to assist law enforcement, prosecution, courts and corrections organizations.

Year of Program Approval: 1989

Goals/Objectives of the Program:**Goal:**

To develop process-oriented programs including technology development and information systems development which benefit criminal justice agencies.

Objectives:

- To provide the criminal justice system with accurate and complete criminal justice records for use in making release and sentencing decisions.
- To provide the criminal justice system with timely criminal justice information and intelligence on offenders.
- To provide the criminal justice system with the technology and automated resources necessary to expand its operational capability, effectiveness, and efficiency.
- To increase the likelihood of information and intelligence sharing among criminal justice agencies.

The accuracy and completeness of criminal justice records has become an issue of national importance in recent years. Criminal justice and non-criminal justice agencies are increasingly relying on these records as the basis for making critical decisions regarding criminal justice clients. In addition, the use of modern technology in the investigative process has become equally essential.

Critical Elements/Activities:

All projects must undertake to implement the following elements:

- A needs assessment must be conducted to identify the quality of criminal justice information or intelligence within a particular area of the criminal justice system or the need for technology.
- A detailed list of recommendations must be developed to address issues, concerns, and deficiencies identified by the needs assessment.
- A detailed plan of action must be developed to address issues, concerns, and deficiencies identified by the needs assessment.
- A detailed plan of action must be developed which outlines how information systems developed under this program will interface with other criminal justice entities and the extent to which information or intelligence sharing will occur or how the use of the technology will assist other agencies.
- A detailed plan of action must be developed which addresses how information systems or specific technologies developed under this program will continue to be supported by the respective agency.

Evaluation Plan/Performance Measures:

DPS will continue to perform process evaluations on criminal justice information system projects which it funds. DPS will also evaluate the effectiveness of this program area by utilizing data which is collected by each of the projects.

Performance measures will be based on the overall effect on criminal justice operations realized by the development of a particular system or technology, the extent to which information or intelligence is being shared with other criminal justice agencies, and the level of accuracy and completeness of the data being entered, analyzed, and produced.

Purpose Area 16

Program Title:

Innovative Programs

Number of Projects To Be Funded:

Approximately three (3) operated by state or local units of government.

Federal Cost of the Program: \$179,450.00

Authorized Purpose Area:

Innovative programs which demonstrate new and different approaches to enforcement, prosecution, and adjudication of drug offenses and other serious crimes.

Year of Program Approval:

1989, individual projects to be approved

Goals/Objectives of the Program:**Goal:**

To develop innovative or unique programs focused on drug, violent or serious crimes which are not typical of or similar to programs previously funded in the State of New Mexico. An example of such a program would be "Operation Weed and Seed".

Objectives:

(Objectives for individual projects will be developed on a project-by-project basis).

There exists a need for replicating successful programs or implementing new approaches to deal with drug, violent or serious crimes.

Critical Elements/Activities:

(Critical elements and activities will be developed on a project-by-project basis).

Evaluation Plan/Performance Measures:

DPS will continue to perform process evaluations on all innovative programs which it funds. DPS will also evaluate the effectiveness of this program area by utilizing data which is collected by each of the projects. Some innovative programs may be selected for formal evaluations by professional evaluators.

Performance measures will be based on the specific goals and objectives of each individual project.

Purpose Area 18

Program Title:

Domestic Violence Programs

Number of Projects To Be Funded:

Approximately two (2) operated by state or local units of government.

Federal Cost of the Program: \$118,150.00

Authorized Purpose Area:

Programs which improve the criminal and juvenile justice systems' response to domestic and family violence, including spouse abuse, child abuse, and abuse of the elderly

Year of Program Approval: 1989

Goals/Objectives of the Program:

Goal:

To develop programs which address domestic violence issues as they interface with the criminal justice system.

Objectives:

- To provide the criminal justice system with viable violence intervention programs.
- To improve and enhance law enforcement's response to domestic violence situations or reports of incidents involving domestic violence issues.
- To enhance prosecution efforts aimed at offenders who are being adjudicated for domestic violence offenses.
- To pool public and private resources available for victims of domestic violence as well as domestic violence perpetrators.

Critical Elements/Activities:

All projects must undertake to implement the following elements:

- At least two components of the criminal justice system must be involved in the domestic violence program.
- Both public and private resources must be utilized in the program.
- A task force of composed of public employees, private citizens, and members of private community organizations must be formed in order to monitor and evaluate the effectiveness of the program

Evaluation Plan/Performance Measures:

DPS will continue to perform process evaluations on domestic violence projects which it funds. DPS will also evaluate the effectiveness of this program area by utilizing data which is collected by each of the projects.

Performance measures will be based on the total number of clients served, the incidence of reinvolvement with the criminal justice system by participants who successfully or unsuccessfully completed the program, and the variety of methods used with the target population.

Purpose Area 19**Program Title:**

Evaluation and Research Programs

Number of Projects To Be Funded:

Approximately three (3) operated by state and local units of government.

Federal Cost of the Program: \$118,150.00

Authorized Purpose Area:

Drug control evaluation programs which state and local units of government may utilize to evaluate programs and projects directed at drug and violent crime control activities.

Year of Program Approval: 1989

Goals/Objectives of the Program:**Goal:**

To conduct evaluations and other research directed at individual projects or general program areas, whether or not the projects or programs being evaluated are funded by BJA formula grants.

Objectives:

- To provide the criminal justice system with objective information regarding the effectiveness of drug prevention or drug and violent control programs.
- To provide the criminal justice system with accurate data on drug usage, drug routes, drug dependent offenders, violent offenders, victims of crimes, or any other data which will help enhance the operational effectiveness of the criminal justice system.
- Additional, specific objectives will be developed on a project-by-project basis.

Because of scarce resources, there is a need to fund projects which are actually proving to be successful. Evaluation projects help to provide this type of information and research projects provide public agencies with data upon which funding decisions can be made.

Critical Elements/Activities:

(Critical elements and activities will be developed on a project-by-project basis).

Evaluation Plan/Performance Measures:

DPS will continue to perform process evaluations on evaluation and research projects which it funds. DPS will also evaluate the effectiveness of this program area by utilizing data which is collected by each of the projects.

Mr. CONDIT. So, Mr. Wise, we appreciate your being here today.

STATEMENT OF HON. ROBERT E. WISE, JR., A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WEST VIRGINIA

Mr. WISE. I thank you, Mr. Chairman, and I might note, I'm not sure who trained whom, because, particularly in the areas of agriculture and law enforcement, you often led the subcommittee. We held hearings not only in your district but also on issues that you brought to the subcommittee's attention.

Mr. Thomas, it's good to be back with you, and you make a very eloquent speech on behalf of rural areas. And you just also took out about two-thirds of my remarks.

Mr. Stupak, it's a great subcommittee you are on.

I appreciate the opportunity to be here and to participate in this program. As soon as I leave, I will go to the Budget Committee where there is a caucus taking place in anticipation of the budget being marked up shortly. I might add that one of the main items on the agenda is the criminal justice package.

I do want to point out, while I am here to express concerns about the Byrne formula grant program and the fact that it would be removed under the Clinton proposal, the Clinton proposal also significantly increases crime-fighting efforts in many different areas, whether it's cops on the street, prisons, legal assistance, new U.S. attorneys, additional law enforcement personnel, and indeed some of the money from Byrne is shifted to those programs, and there are other uses it will be put to.

But in terms of a message coming through the budget, I think that the Clinton administration has put its money where its mouth is. Now we need to address, where does some of that money go and how is it allocated? In the case of the Byrne formula grant program, we have found that this does provide critical resources for local law enforcement that otherwise could not be funded.

I want to see existing programs that work. The formula grant program has worked, and it can be a model for the administration's new anticrime initiatives and should not be eliminated. The Byrne formula grant program's flexibility in administration are in keeping, I believe, with the Vice President's National Performance Review. The NPR concluded that the President should empower communities by being, "committed to solutions that respect bottom-up initiatives rather than top-down requirements."

The 21 broad programs in Byrne enable local law enforcement agencies to focus their resources on the toughest problems that they identify in their communities, from combating violent crime, to drug control, to prison alternatives, and rehabilitation.

This program is the largest Federal crime-fighting resource for States, and I can attest that the grants are utilized by communities of all sizes. There are communities, for instance, in my district receiving grants of less than \$1,000, but these grants make a big difference. It makes the difference between whether or not you have a program like D.A.R.E. or a neighborhood program assisting citizens to prevent crime.

This program reaches communities that most need it and communities willing to make a commitment to the program. The Byrne formula program requires that at least 25 percent of the cost of the

program be paid with non-Federal funds. These funds ensure that communities have a vested interest in seeing these programs succeed.

Yes, the most important aspect of the administration's crime package, I believe, is having an additional 100,000 police officers on the beat. However, it is important to point out that the largest share, about one-third of the \$1.4 million Byrne formula grant funds in our State were used to pay expenses related to multijurisdictional task forces in the past 5 years, and 57 percent of these funds were used to pay the salaries of those officers.

Eliminating the Byrne program, in some ways, we fear, would take police off the beat, in theory to fund putting them on the beat. This doesn't make a whole lot of sense to us.

Now, I know the argument is going to be used that while the formula grant program is eliminated, the discretionary grant program is, doubled. There is a problem with that, and, in fact, this subcommittee discovered that problem several years ago.

I would refer to the subcommittee's transcript of hearings held April 18, 24, and May 24, 1990, in which Jamie Albert, who was then the director for the Governor's Office of Criminal Justice and Highway Safety, administered the Byrne grant program, writes that one of the problems is, that rural areas don't get discretionary grants in relation to urban areas. A second problem, and I have not seen a change in this, is where the funds go.

[The information follows:]

GRANT PROGRAMS ADMINISTERED BY THE DEPARTMENT OF JUSTICE

HEARINGS BEFORE THE GOVERNMENT INFORMATION, JUSTICE, AND AGRICULTURE SUBCOMMITTEE OF THE COMMITTEE ON GOVERNMENT OPERATIONS HOUSE OF REPRESENTATIVES ONE HUNDRED FIRST CONGRESS SECOND SESSION

APRIL 18, 24; AND MAY 24, 1990

Printed for the use of the Committee on Government Operations



Mr. WISE. About 2 weeks ago, the subcommittee staff called the number listed in the Federal Register to obtain a copy of the application and we were told—they were told to try again because “They had not been sent down.” I assume that a lot of others who saw the program announcement starting March 19 made the same kind of inquiry and were discouraged.

Do you plan on some sort of advertisement to let people know they are now available?

Mr. REGIER. Definitely. I believe in our Federal Register, it indicated that an application guidance kit would be forthcoming, and we plan to widely disseminate that application guidance kit.

Mr. WHITE. May I, Mr. Chairman, perhaps add to Mr. Regier's comments? I think that the process in the past was consistent with this in that the actual application kit follows the Federal Register notice. What that at least does is to tell prospective grantees about the program to be funded in a Federal Register notice which, in and of itself is available to the world. BJA did disseminate copies to each of the State contacts for the formula grant program, as well as about 1,500 other copies, so that those who were interested could begin the process of collecting their thoughts on whether they want to apply and begin calling the Bureau of Justice Assistance.

BJA should have had available last week, as Mr. Regier indicated, unbound copies of the application kit that could go out. So at least everyone should have been on a level playing field in terms of notice. Now, also, to try to avoid any difficulties that may have existed in the past—I don't think there is one 30-day deadline set in there. Because there has been some concern in the past that if a deadline was set at 30 days and the program application kit is not available for 2 or 3 weeks later, that might make it very difficult for especially an inexperienced grant applicant to be able to put together the appropriate forms. So I believe the deadlines were elongated a little bit this year, at least wherever possible, because we do recognize the disadvantage that that can potentially put applicants at.

Mr. WISE. During this period between the time the program announcement was made, March 19, when I would—I had gotten the program announcement realistic—I think logically assumed that I could call the toll-free number and get an application. That was not the case. But during that period, did BJA have a system to keep track of all people who called?

Mr. REGIER. Yes, very definitely.

Mr. WISE. You mentioned deadlines, Mr. White, and there are no 30-day deadlines as I understand at this time. They are 60, 90 days. However, in the case of the—at least, Mr. Albert in West Virginia—he expressed concern in his testimony submitted today that the lapse would make it very difficult for him to meet the 60-day deadline, at the program that he wanted to apply for.

[The letter from Mr. Albert follows:]



STATE OF WEST VIRGINIA
GOVERNOR'S OFFICE
OF
COMMUNITY AND INDUSTRIAL DEVELOPMENT

GASTON CAPERTON
GOVERNOR

Charleston, West Virginia 25305

April 13, 1990

The Honorable Robert E. Wise, Jr.
Chairman
Government Information, Justice
and Agriculture
B349C Rayburn House Office Building
Washington, D. C. 20515

Dear Congressman Wise:

This letter is in response to your request for information on the Drug Control and System Improvement Discretionary Grant Program.

We understand that the Drug Control and System Improvement Discretionary Grant Program, authorized under the Anti-Drug Abuse Act of 1988, implements a comprehensive program which complements the Formula Grant Program by demonstrating new operational techniques, providing technical assistance and training and making available additional resources in support of criminal justice services.

Although this is an extremely important program, we feel there are certain obstacles that need to be overcome to improve the overall success of the program.

One such problem is the timing of the program announcement. The announcement, which is due out in October of 1989, was not released until March 19, 1990.

As of the date of this letter, application forms were not available from the Bureau of Justice Assistance nor could anyone tell us when they would be available. This is critical when considering the fact that several programs have application deadlines of May 4-5.

Another problem is the availability of funds. It is our understanding that over one-half of the discretionary allocation is already committed to federal agencies and their projects, and a significant amount is set aside for continuation projects. The opportunity for new projects is therefore limited.

The Honorable Robert E. Wise, Jr.
Page Two
April 13, 1990

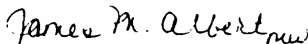
We feel that the amount that is available to state and local projects is all geared toward large jurisdictions or large SMSA population areas. We would recommend that the Bureau of Justice Assistance analyze the pattern of awards and in the future target a percentage of funds to non-SMSAs.

Several years ago when the City of Charleston applied for a Discretionary Grant for an Organized Crime and Narcotics Task Force project, they were denied on the basis that this category was geared for large jurisdictions.

We also would like to see discretionary grant funds used to hold training for the state program coordinators in the area of sharing information on model initiatives. In the past, all training seminars have dealt with administrative and fiscal matters. A series of training seminars introducing and explaining model programs would be helpful.

The Criminal Justice and Highway Safety Office appreciates the opportunity to comment on this important program. Should you or your staff need additional information, please contact me or Melissa B. Whittington of my staff.

Sincerely,



James M. Albert
Manager

JMA:MBW:th

cc: Gerald Regier
Bureau of Justice Assistance

CRIMINAL JUSTICE AND HIGHWAY SAFETY
5790-A MacCorkle Avenue, Southeast
Charleston, West Virginia 25304
Telephone (304) 348-8814

Mr. WISE. What the subcommittee found was that over one-half of the discretionary funds were staying within the Beltway. Discretionary funds are not getting out to local jurisdictions, but, instead, one agency would contract with another agency for the discretionary grant money. For instance, the FBI would contract with DEA, or someone would contract to do training programs for local law enforcement.

My feeling is, perhaps a 1 year program is fine, but it should not be a 3- to 5- to 10-year program. Indeed, if that's a function of another agency, it ought to be included in their budget. So, in reality, I fear that the discretionary money won't get to the folks that are losing out by losing the Byrne moneys.

I would also like, if I might, Mr. Chairman, to ask permission to insert a number of letters into the record from various police agencies, in West Virginia, about what this would mean. One, in particular, I would like to call attention to is a letter from the chief of police of Charleston, WV, Dallas Staples, who writes that, over the past 5 years, the Byrne memorial program has provided the following assistance to the city of Charleston and the Charleston area.

First, \$184,000 was provided for D.A.R.E., Drug Abuse Resistance Education. Now, in the city of Charleston alone, this has enabled 6,000 school children annually to receive D.A.R.E. instruction. I might point out, though, that Chief Staples has done far more than simply use this money in the city of Charleston. He has used this money to underwrite the entire D.A.R.E. program statewide. To date—and I attended every one of the graduation ceremonies—to date, 125 D.A.R.E. officers across our rural State have been trained and are now in the school systems.

Is it just Federal funds doing this? No. Chief Staples and others go out and raise a lot of private money, too. But cutting this money off, the Byrne money, would mean that D.A.R.E. would not be able to function. I happen to think that D.A.R.E. has been a very, very important program, and I'm concerned that this contract—it does something else. It not only deals with drug abuse and teaching young school children about the problems of drugs, it permits them to see police officers in a different light than traditional law enforcement.

Additionally, Chief Staples also points out several other uses, including money that has been used very appropriately for a metro drug enforcement network team in the city of Charleston, in Kanawha County, and other areas.

I would just urge the administration to reconsider this. My hope is that they will be willing to be flexible on this. I think I can report to you that, in the Budget Committee, there is great interest in including a recommendation that there be more flexibility in the administration of this program, particularly to ensure that some of the valuable programs previously underwritten by the Byrne formula grant program are not done away with.

I appreciate the subcommittee calling attention to this, and I would hope that, between the subcommittee's efforts and working with the Department of Justice, we could restore that flexibility that the Byrne program provided, make sure that programs such as the Drug Abuse Resistance Education, or D.A.R.E., are pre-

served for those areas that think they are valuable and send a signal to our local law enforcement that we think they know how best to administer these funds.

Thank you.

[The prepared statement of Mr. Wise follows:]

BOB WISE
20 DISTRICT WEST VIRGINIA

COMMITTEES
COMMITTEE ON THE BUDGET
SELECT COMMITTEE ON AGING
COMMITTEE ON
PUBLIC WORKS AND
TRANSPORTATION
CHAIRMAN SUBCOMMITTEE
ON ECONOMIC DEVELOPMENT

Congress of the United States
House of Representatives
Washington, DC 20515-4802

WASHINGTON OFFICE
2424 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-4802
(202) 225-2711
DISTRICT OFFICES
107 PENNSYLVANIA AVENUE
CHARLESTON WV 25302
(304) 242-7170
102 E. MARTIN STREET
MARTINSBURG WV 25401
(304) 264-8810

STATEMENT OF REPRESENTATIVE BOB WISE
BEFORE THE SUBCOMMITTEE ON INFORMATION,
JUSTICE, TRANSPORTATION AND AGRICULTURE
COMMITTEE ON GOVERNMENT OPERATIONS
MARCH 2, 1994

I appreciate the opportunity to participate in this hearing. As you know, Mr. Chairman, I have supported the Byrne Formula Grant Program since its inception. In my home state of West Virginia this program provides critical resources for local law enforcement efforts that could not be funded otherwise.

I look forward to working with the Administration in their efforts to increase the police presence on the streets. I recognize the importance of providing adequate levels of law enforcement personnel for community policing activities and I have supported many of the President's anti-crime initiatives.

However, in the interest of our communities, we must look to the existing programs that work. I believe that the Byrne Formula Grant Program should serve as the model for the Administration's new anti-crime initiatives, and not be eliminated. While there is a need for additional attention to crime and law enforcement efforts, we don't need to reinvent the wheel -- we should take the successes of this program, and build on them.

The Byrne Formula Grant Program's flexibility and administration are in keeping with the Vice President's National Performance Review (NPR). The NPR concluded that the President should empower communities by being "committed to solutions that respect bottom-up initiatives rather than top-down requirements." The twenty-one broad program purposes enable local law enforcement agencies to focus their resources on the tough problems in their communities; ranging from combatting violent crime to drug control to prison alternatives and rehabilitation.

This program is the largest federal crime-fighting resource for states, and I can attest that the grants are utilized by communities of all sizes. There are communities in my district that received grants of less than \$1000, but to those communities that is the difference between having a program like DARE or a neighborhood program which assists citizens in preventing crime.

This program reaches the communities that most need it and the communities that are willing to make a commitment to the program. The Byrne Formula Program requires that at least 25% of the cost of the program be paid with non-federal funds - these matching funds ensure that the communities have a vested interest in seeing these programs succeed.

The most important aspect of the administration's crime package is the 100,000 additional cops on the beat. It is important to point out that the largest share, about one-third of the \$1.4 million Byrne Formula Grant Funds, was used to pay expenses related to multijurisdictional task forces in the past five years, and 57% of those funds were used to pay the salaries of law enforcement officers. Eliminating the Byrne Program would take cops OFF the beat, in theory, to fund putting them on the beat. This doesn't make a lot of sense to me.

The proposed elimination of the Byrne Formula Program would have the unintended effect of disbanding operational criminal task forces and threaten the existence of the highly successful DARE program. While I support enhanced law enforcement efforts in the community, I do not support eliminating active task forces or jeopardizing existing drug resistance efforts to do so. This Administration is committed to finding ways to eliminate waste and improve efficiency - keeping this program in place would be another step in that direction.

Mr. CONDIT. Thank you, Mr. Wise. I certainly appreciate your being here, and I agree with your statement. We have been closely working with the Judiciary Committee on this, and I hope that we could urge your assistance in working for a compromise that we all can agree upon. I know that you have been very close to this issue, and I think your efforts will be noticed. We hope that maybe we can work together to come up with some solution on this. I do appreciate your being here today.

Mr. Thomas, do you have any questions for Mr. Wise?

Mr. THOMAS. No I don't.

Thank you very much for being here, Bob.

Mr. CONDIT. Mr. Stupak.

Mr. STUPAK. No, sir.

Mr. CONDIT. Mr. Horn.

Mr. HORN. No, thank you.

Mr. CONDIT. Thanks, Bob. We appreciate it.

Mr. WISE. Thank you, Mr. Chairman.

Mr. CONDIT. We will now ask the subcommittee members if they have opening statements. I will turn to Mr. Stupak, who has been an active member of this committee and has been extremely interested in the Justice Department oversight done by this subcommittee. I will ask if he has any opening statements that he would like to make for the record.

Mr. STUPAK. Thank you, Mr. Chairman. Just a few brief comments.

Representative Wise alluded to it, that actually, in the budget proposed by the administrative, there is actually a \$1.9 billion increase. However, with the increased money available, it leads to new programs, new initiatives, new policies, actually more discretionary money, more cops on the street, something we all believe in. But at the same time some of the successful programs, like Byrne, funds should not be cut.

I certainly hope that this subcommittee, in any recommendations we may or may not make, we do not become rigid in our thinking. Law enforcement needs flexibility. That's why I believe in discretionary grants. The Byrne grant money is an excellent way of having flexibility for unique problems.

Having been a former city police officer, having been a State trooper, having worked in the Michigan Legislature where we fought to save funding for our multijurisdictional teams, we need flexibility, as long as we had greater flexibility, I think the more successful the programs were. And I think the Byrne funds certainly allowed us to have that flexibility.

But I look forward to working cooperatively with this subcommittee and, of course, the Budget Committee in trying to get these funds restored. As we work together, not only do we have a lot of help with these drug teams, the multijurisdictional drug teams, as we're going to hear about today, but it leads to greater cooperation, not just in combating drugs, but it leads to other things.

When we had the methcathinone problem coming up in northern Michigan, where we passed legislation earlier this year, we actually got a handle on a serious drug problem before it became a nationwide drug problem. I think it was the cooperative working rela-

tionship with law enforcement agencies that led to that and, again, funding from this Byrne fund that really helped us out.

I'm looking forward to our expert witnesses today. Ardith DaFoe from Michigan will be here to testify. I look forward to her testimony. I worked with her in the State legislature. Also, it's good to see Tom Pagel, who is from Wyoming, Mr. Chairman, but I'll tell you right now he's really from Michigan. We worked together when we were State troopers, and I look forward to hearing his testimony.

So I think we have an excellent line-up today. I look forward to working and getting this problem resolved. Let's keep flexibility the key word, not only on this committee in our thinking, but also for the dedicated law enforcement officials and the people who are testifying today. They need the flexibility to do the job.

Mr. CONDIT. Thank you, Mr. Stupak.

We have another member who has worked very hard on the committee and in this particular area, Mr. Horn, my colleague from California.

Mr. Horn.

Mr. HORN. Thank you very much, Mr. Chairman. I'm looking forward to this hearing with interest.

I think nothing is more important than, one, helping the localities in this country solve some of the absolutely almost unsolvable crime problems that have hit communities all over the country, and, second, to provide, in any Federal program, that there is sufficient local discretion.

So I would hope that we would look at this program, and if it has been successful in providing that discretion, continue it. If it can be merged with others that give the local people, who know their own problems better than anybody in Washington knows their problems, the flexibility to move money around, I think we ought to do that.

Mr. CONDIT. Thank you, Mr. Horn.

We will begin with panel II, and I'm going to ask our colleague to introduce our next witness.

Mr. Kennedy.

Mr. KENNEDY. Well, this is a very, very difficult task. I don't know exactly what to say about this next witness, although I hesitate to think of where she got her training in dealing with the criminal element in this country. In any event, I would like to just take this opportunity to introduce Kathleen Kennedy Townsend.

Kathleen, you are now allowed to come up and sit down at the table.

Mr. CONDIT. Come and have a seat.

Ms. TOWNSEND. Can you believe I have to get my permission from my younger brother?

Mr. KENNEDY. Kathleen actually was an attorney and graduated at the top of her class at Radcliffe, and has gone on and made a tremendous contribution to our country in the programs that she implemented dealing with criminal justice issues and issues involving getting our Nation's youth a sense of responsibility and their moral responsibilities to our country and to their local communities.

I think her work in the State of Maryland has been second to none. President Clinton has visited the programs that she has set up and has touted them as a national model throughout the country. I think she is excellently suited toward dealing with the community-based programs.

I know that there are many controversies, Mr. Chairman, that you and members of the committee are having to deal with, with regard to law enforcement dollars and where those dollars ought to be best spent, but I think Kathleen's experience will be tremendous, in terms of helping our country sort through those priorities.

I very much want to welcome her here this morning and look forward to working with you and members of the committee, as well as Ms. Townsend, in the future.

Thank you, Mr. Chairman.

Ms. TOWNSEND. Thank you, Joe.

Mr. CONDIT. Thank you, Mr. Kennedy. We appreciate your coming over and making the introduction. That's very, very nice.

We have a policy, Ms. Townsend, of swearing witnesses in. Do you mind, you and your assistants, standing?

Ms. TOWNSEND. No, I would like that. Yes, may I introduce Grace Mastalli?

Mr. CONDIT. Sure.

Ms. TOWNSEND. Grace is from the Office of Policy Development, and Jack Nadol, who is the Acting Director of BJA.

Mr. CONDIT. Please raise your right hand.

[Witnesses sworn.]

Mr. CONDIT. Ms. Townsend, welcome. We are delighted to have you here.

Ms. Townsend is the Deputy Assistant Attorney General for the Office of Justice Programs.

We are delighted to have you here.

STATEMENT OF KATHLEEN KENNEDY TOWNSEND, DEPUTY ASSISTANT ATTORNEY GENERAL, OFFICE OF JUSTICE PROGRAMS, U.S. DEPARTMENT OF JUSTICE, ACCOMPANIED BY GRACE MASTALLI, DEPUTY ASSISTANT ATTORNEY GENERAL, OFFICE OF POLICY DEVELOPMENT; AND JACK NADOL, ACTING DIRECTOR, BJA

Ms. TOWNSEND. It's good to be here today. Thank you for allowing me to talk about the administration's crime control initiatives, what we plan to do in this administration. You have heard about it before, and I am glad that you approve of what President Clinton wants to do.

The problem of crime is very serious. We've seen it all over our country. We've seen it, certainly, in rural areas. We've seen it in our cities. I think there is no doubt that we want to make our streets and neighborhoods safe wherever they be.

The administration has a broad plan to address the crime problem. It starts with the Brady bill, which many of you helped pass last year. It also includes the 100,000 police officers, boot camps, drug treatment for hard-core and crime-committing addicts, a ban on the sale and manufacture of military-style assault weapons, provisions to keep guns away from kids, expansion of the Federal

death penalty, and a safe schools program to combat crime, violence, and drugs in our schools.

Eight percent of kids miss 1 day of school a month because they are afraid to go there. That is unacceptable, and I think it's unacceptable to you, and it's certainly unacceptable to the administration.

We have made crime-fighting a priority, and we are putting substantial funds behind that commitment. This year, as you know, in the President's budget, there is \$2.4 billion for such things as community policing, boot camps, drug courts, and drug treatment. We are also doubling, as you heard earlier, the amount of the Byrne grant discretionary funds to \$100 million.

We have sought an increase of money for the Office of Victims of Crime, \$21 million, and an additional \$69 million for juveniles, so we can give them treatment, prevention, help. We are also getting \$16 million from the Asset Forfeiture Fund for police overtime.

Altogether, this is a 325 percent increase in the amount of money that will be available for crime-fighting, over current levels, 325 percent. I think we should underline that, because we are just talking about so much more money. I know there were a lot of questions as to whether this can go to rural areas, but certainly it can.

The crux of this whole program, of course, is community policing, the idea that police officers working in conjunction with the citizens can solve problems, not just police by themselves, but working with the citizens. That's really what stops it, getting citizens to identify the issues. Are there crack houses? Are there abandoned cars? Oftentimes, as you know, in Washington, DC, people are afraid to testify because they don't trust the police. With a good community policing program, we can get people to go and testify against the people who cause problems so that you can really make a difference, put criminals in jail.

But I know that you asked for this hearing because you were disturbed about the cuts in the Byrne grant proposal. I understand, and you said it so eloquently, that the Byrne grant has certainly done a good job. It has funded many worthy programs. But the fact of the matter is that, in this new administration program, we are going to fund a lot of those programs. A criminal records upgrade, for instance, under the regular Byrne grant was \$16 million; under the budget proposal it will be \$100 million. That's an increase of almost 400 percent.

In addition, we are going to be putting so much additional money into community policing. I know you were worried about Wyoming, for instance, you said that will be a loss of \$1.4 million. But under the House-passed crime bill—which hasn't quite passed all the way yet—what you have proposed, you are going to get about \$4.5 million. So, in other words, the police in Wyoming will get money, and they will be able to decide how best to use that, what are the programs they need to do, how are they going to help people.

So I think, you know, when people change the way there is a funding stream, there are always going to be questions. But the fact is, the administration is really committed to working with you, to helping police officers, and we are really putting serious money behind this. I think that it will help the rural States.

One other story, because I know you keep asking these questions, we had \$150-million supplement which the attorney general announced last year. We have given out already \$75 million in 108 grants; 38 of those grants went to communities under 25,000. So the fact is that, when a rural community has a problem and can describe that, we in the Justice Department want to help, and we will, and we can give them money. That's only with half the grants.

I know that you have plenty of questions, and I would love to answer them.

[The prepared statement of Ms. Townsend follows:]



Department of Justice

STATEMENT

OF

KATHLEEN KENNEDY TOWNSEND
DEPUTY ASSISTANT ATTORNEY GENERAL
OFFICE OF JUSTICE PROGRAMS

BEFORE

THE

INFORMATION, JUSTICE, TRANSPORTATION,
AND AGRICULTURE SUBCOMMITTEE
COMMITTEE ON GOVERNMENT OPERATIONS
U.S. HOUSE OF REPRESENTATIVES

CONCERNING

THE BYRNE FORMULA GRANT PROGRAM

ON

MARCH 2, 1994

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE, I AM PLEASED TO HAVE THIS OPPORTUNITY TO DISCUSS THE ADMINISTRATION'S PLANS TO PROVIDE ASSISTANCE TO STATE AND LOCAL GOVERNMENTS TO HELP THEM CONTROL VIOLENT AND DRUG-RELATED CRIME. THIS ADMINISTRATION IS COMMITTED TO REDUCING VIOLENCE AND THE FEAR OF VIOLENCE. WE MUST TAKE BACK OUR COUNTRY FROM THE VIOLENT CRIMINALS WHO TERRORIZE OUR CITIZENS. WE RECOGNIZE, AS DO YOU, THAT A CRITICAL COMPONENT OF THIS PROGRAM IS MAINTAINING AN EFFECTIVE PARTNERSHIP WITH STATE AND LOCAL GOVERNMENT.

THE ADMINISTRATION'S COMPREHENSIVE ANTI-CRIME PROGRAM EMPHASIZES BOTH PUNISHMENT AND PREVENTION, AND INCLUDES THE FOLLOWING MAJOR COMPONENTS:

- THE BRADY BILL, NOW LAW, WHICH WILL HELP SAVE LIVES BY KEEPING GUNS OUT OF THE HANDS OF CONVICTED FELONS;

- 100,000 MORE COPS ON THE STREETS, ENGAGED IN COMMUNITY POLICING AND TRAINED TO PREVENT CRIME AS WELL AS TO ARREST CRIMINALS;

- BOOT CAMPS AND OTHER METHODS OF ENSURING THE CERTAINTY OF PUNISHMENT FOR YOUNG OFFENDERS;

- DRUG TREATMENT FOR HARD-CORE AND CRIME-COMMITTING ADDICTS;

- A BAN ON THE SALE AND MANUFACTURE OF MILITARY-STYLE ASSAULT WEAPONS;

- PROVISIONS TO KEEP GUNS AWAY FROM CHILDREN;

- AN EXPANSION OF THE FEDERAL DEATH PENALTY; AND,

- A SAFE SCHOOLS PROGRAM TO COMBAT CRIME, VIOLENCE, AND DRUGS IN OUR CHILDREN'S SCHOOLS.

WE NEED TO BE BOTH TOUGH AND SMART IN OUR EFFORTS TO FIGHT CRIME, AND WE BELIEVE THE ABOVE PROGRAM WILL CONTRIBUTE SUBSTANTIALLY TO MAKING AMERICA A BETTER AND SAFER PLACE IN WHICH TO LIVE.

WE HAVE MADE FIGHTING VIOLENCE A MAJOR PRIORITY OF OUR ADMINISTRATION, AND WE ARE DETERMINED TO SEEK THE FUNDING NECESSARY TO MAKE THAT COMMITMENT A REALITY. FOR FY 1995, THE PRESIDENT REQUESTED \$2.4 BILLION FOR THE COMMUNITY POLICING INITIATIVE, CRIMINAL HISTORY RECORDS UPGRADES, AS WELL AS OTHER PROGRAMS IN THE CRIME BILL, SUCH AS BOOT CAMPS, DRUG COURTS FOR YOUTHFUL AND NONVIOLENT OFFENDERS, AND DRUG TREATMENT IN PRISONS AND JAILS.

THE ADMINISTRATION ALSO HAS REQUESTED A \$69 MILLION INCREASE IN FUNDING FOR THE JUSTICE DEPARTMENT'S OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION TO SUPPORT JUVENILE DELINQUENCY PREVENTION, INTERVENTION AND TREATMENT PROGRAMS.

WE ALSO ARE REQUESTING A DOUBLING OF THE BYRNE GRANT DISCRETIONARY PROGRAM FROM \$50 MILLION TO \$100 MILLION.

FURTHER, FUNDING FOR THE DEPARTMENT'S OFFICE FOR VICTIMS OF CRIME WILL SEE AN INCREASE OF \$21 MILLION DURING FISCAL YEAR 1995, FOR A TOTAL OF \$160 MILLION.

THESE PROPOSALS--INCLUDING AN ADDITIONAL \$16 MILLION THAT WILL BE MADE AVAILABLE FROM THE ASSET FORFEITURE FUND FOR STATE AND LOCAL LAW ENFORCEMENT PERSONNEL OVERTIME COSTS--WOULD INCREASE FEDERAL ASSISTANCE TO STATE AND LOCAL AGENCIES BY APPROXIMATELY 325 PERCENT FROM CURRENT FUNDING LEVELS, TO A TOTAL OF \$2.4 BILLION.

\$1.7 BILLION OF THAT \$2.4 BILLION WILL BE MADE AVAILABLE TO HELP PUT MORE POLICE OFFICERS ON OUR STREETS -- 20,000 IN THE FIRST YEAR AND 100,000 ULTIMATELY -- AND DEPLOY THOSE NEW OFFICERS IN COMMUNITY POLICING PROGRAMS. THIS COMMUNITY POLICING INITIATIVE IS GROUNDED ON THE PREMISE THAT SIMPLY ADDING PEOPLE TO POLICE FORCES IS INSUFFICIENT. IN ADDITION TO MORE OFFICERS, WE NEED OFFICERS WHO CAN WORK MORE EFFECTIVELY WITH THEIR COMMUNITIES. AT ITS BEST, COMMUNITY POLICING CHALLENGES CITIZENS TO REINVENT AND REORIENT POLICE EFFORTS. IT IS A SUMMONS TO RESIDENTS TO TAKE GREATER RESPONSIBILITY FOR THE STATE OF THEIR COMMUNITY. WITH POLICE SUPPORT, COMMUNITY RESIDENTS WILL IDENTIFY THE ISSUES THAT MOST CONCERN THEM--THOSE THAT CONTRIBUTE TO DISORDER, FEAR, AND ACTS OF VIOLENCE--AND WITH POLICE SUPPORT, TOGETHER THEY WILL FIND SOLUTIONS TO THESE PROBLEMS.

THIS FY 1995 FUNDING FOR COMMUNITY POLICING IS IN ADDITION TO THE \$150 MILLION IN SUPPLEMENTAL FY 1993 FUNDING THAT IS BEING AWARDED TO LOCAL LAW ENFORCEMENT AGENCIES UNDER THE POLICE HIRING SUPPLEMENT PROGRAM, WHICH THE ATTORNEY GENERAL ANNOUNCED LAST AUGUST.

THE POLICE HIRING SUPPLEMENT PROGRAM REPRESENTS THE FIRST STEP TOWARD IMPLEMENTING THE PRESIDENT'S PLEDGE TO PUT MORE POLICE ON THE STREET. THE RESPONSE TO THIS PROGRAM HAS BEEN OVERWHELMING. THE DEPARTMENT RECEIVED MORE THAN 2,700 APPLICATIONS REQUESTING SOME 13,000 POLICE OFFICERS. THOSE APPLICATIONS CAME FROM COMMUNITIES LARGE AND SMALL, DEMONSTRATING THAT THE DESIRE FOR MORE POLICE OFFICERS IS NOT LIMITED TO LARGE URBAN AREAS BUT IS FELT BY

COMMUNITIES OF ALL SIZES. TO DATE, MORE THAN 108 COMMUNITIES HAVE RECEIVED GRANTS TOTALING \$75 MILLION UNDER THIS PROGRAM, AND THE DEPARTMENT INTENDS TO MAKE APPROXIMATELY 100 ADDITIONAL AWARDS TOTALING \$75 MILLION IN GRANTS WITHIN THE NEAR FUTURE. THESE GRANTS ARE BEING USED TO HIRE ADDITIONAL LAW ENFORCEMENT OFFICERS AND IMPLEMENT OR EXPAND COMMUNITY POLICING TO CREATE A PARTNERSHIP BETWEEN POLICE AND COMMUNITIES THROUGHOUT THIS NATION. THE NEW COMMUNITY POLICING PROGRAM PROPOSED IN THE CRIME BILL WILL BUILD ON THIS EFFORT.

THE PRESIDENT'S BUDGET ALSO WOULD PROVIDE \$100 MILLION IN FY 1995 TO HELP STATES IMPROVE THEIR CRIMINAL HISTORY RECORD INFORMATION SYSTEMS, A NECESSARY STEP IN ESTABLISHING THE NATIONAL CRIMINAL HISTORY RECORDS SYSTEM CALLED FOR BY THE BRADY ACT. SUCH A SYSTEM WOULD HELP PREVENT CONVICTED FELONS AND OTHER UNAUTHORIZED PERSONS FROM PURCHASING A HANDGUN FROM A FEDERALLY-LICENSED FIREARMS DEALER, AS WELL AS PROVIDE INFORMATION ON CONVICTED CHILD ABUSERS -- AS REQUIRED BY THE NATIONAL CHILD PROTECTION ACT.

IN ADDITION, \$303 MILLION FROM THIS FUND WILL BE MADE AVAILABLE TO SUCH PROGRAMS AS DRUG COURTS, TREATMENT, AND BOOT CAMPS.

AS YOU KNOW, MR. CHAIRMAN, UNDER THE BYRNF FORMULA GRANT PROGRAM, STATES WERE REQUIRED TO USE AT LEAST FIVE PERCENT OF THEIR ANNUAL FORMULA GRANT TO UPGRADE THEIR CRIMINAL HISTORY RECORD SYSTEMS--A TOTAL OF \$18 MILLION IN FY 1994. UNDER THE ADMINISTRATION'S PROPOSAL, FUNDING TO STATES FOR THIS PURPOSE WILL INCREASE MORE THAN 400 PERCENT.

I KNOW THAT IN YOUR LETTER TO THE ATTORNEY GENERAL YOU WERE PARTICULARLY INTERESTED IN THE ADMINISTRATION'S PROPOSAL TO ELIMINATE THE FORMULA COMPONENT OF THE BYRNE GRANT PROGRAM, WHILE, AT THE SAME TIME, DOUBLING THE AMOUNT OF MONEY AVAILABLE FOR DISCRETIONARY PURPOSES. STATES HAVE USED BYRNE GRANT MONIES TO FUND MANY WORTHY AND INNOVATIVE PROGRAMS -- SUCH AS COMMUNITY POLICING, BOOT CAMPS, CRIMINAL JUSTICE DRUG TREATMENT, AND ANTI-GANG INITIATIVES. HOWEVER, THE CRIME LEGISLATION CURRENTLY BEING CONSIDERED BY THE HOUSE AND SENATE WILL DRAMATICALLY EXPAND -- AND DIRECTLY FUND -- MANY OF THESE SAME PROGRAM AREAS. WE STRONGLY BELIEVE THAT THE ADMINISTRATION'S PROPOSED INCREASE FOR STATE AND LOCAL LAW ENFORCEMENT -- THE LARGEST EVER -- WHEN COMBINED WITH CRIME LEGISLATION, WILL PROVIDE STATES AND LOCALITIES WITH MORE MONEY, MORE QUICKLY THAN BYRNE GRANTS EVER HAVE -- AND FOR MANY OF THE SAME PROGRAM AREAS.

LET ME UNDERSCORE THE FACT THAT THERE WILL BE FUNDS AVAILABLE FOR USE BY STATES. BUT THESE DOLLARS WILL BE FOCUSED ON PROGRAMS THAT WORK. WE BELIEVE THAT THIS ADMINISTRATION'S PLAN FOR FIGHTING CRIME AND VIOLENCE WILL PROVIDE FUNDS TO STATES IN WAYS THAT REFLECT CONGRESS'S OWN COMMITMENT TO COMMUNITY POLICING.

IN ADDITION, BJA WILL CONTINUE TO REACH OUT TO JURISDICTIONS OF ALL SIZES, INCLUDING SMALL AND RURAL JURISDICTIONS. THROUGH ITS CLEARINGHOUSE, BJA MAINTAINS DETAILED LISTS OF STATE AND LOCAL CRIMINAL JUSTICE AGENCIES TO WHICH IT DISTRIBUTES INFORMATION ON CURRENT PROGRAMS AS WELL AS PROJECT RESULTS. BJA ALSO MAINTAINS LIAISON WITH ASSOCIATIONS--SUCH AS THE NATIONAL ASSOCIATION OF

COUNTIES--THAT REPRESENT SMALL AND RURAL JURISDICTIONS ACROSS THE COUNTRY. IN ADDITION, BJA SPONSORS NUMEROUS CONFERENCES AND MEETINGS WITH VARIOUS GROUPS TO EXPLAIN NEW PROGRAMS OR EXAMINE ISSUES OF INTEREST TO THE CRIMINAL JUSTICE COMMUNITY.

TO INCREASE ITS ACCESSIBILITY TO STATE AND LOCAL CRIMINAL JUSTICE AND OTHER OFFICIALS, BJA RECENTLY ESTABLISHED A RESPONSE CENTER TO ANSWER QUESTIONS FROM JURISDICTIONS INTERESTED IN APPLYING FOR FUNDING. THE CENTER ORIGINALLY WAS ESTABLISHED TO HANDLE THE LARGE VOLUME OF INQUIRIES RESULTING FROM THE POLICE HIRING SUPPLEMENT PROGRAM, BUT BECAUSE OF ITS SUCCESS THE CENTER IS BEING MADE PERMANENT. THE CENTER IS STAFFED EACH WORK DAY FROM 9 TO 5 BY BJA PROGRAM EXPERTS TO ANSWER QUESTIONS AND PROVIDE ADVICE ON PREPARING APPLICATIONS FOR BJA PROGRAMS.

BJA ALSO WORKS TO ENSURE THAT RURAL AND SMALL JURISDICTIONS ARE EQUITABLY REPRESENTED IN AWARDS MADE THROUGH ITS DISCRETIONARY GRANT PROGRAM. UNDER THE POLICE HIRING SUPPLEMENT PROGRAM, FOR EXAMPLE, SMALLER JURISDICTIONS OF UNDER 150,000 POPULATION WILL RECEIVE HALF THE AVAILABLE FUNDING--OR \$75 MILLION. THE PROGRAM WAS INTENTIONALLY DESIGNED SO THAT SMALLER JURISDICTIONS WOULD NOT HAVE TO COMPETE WITH LARGE URBAN AREAS FOR THE SAME POT OF MONEY.

AS I HAVE NOTED, THE PRESIDENT'S FY 1995 FUNDING REQUEST AND FUNDING AVAILABLE UNDER THE CRIME BILL WILL SUBSTANTIALLY INCREASE FEDERAL ASSISTANCE TO STATE AND LOCAL JURISDICTIONS. THESE INCREASES WILL GUARANTEE SUFFICIENT ASSISTANCE TO JURISDICTIONS OF ALL SIZES. FOR EXAMPLE, UNDER THE COPS ON THE BEAT PROGRAM, AS PASSED BY THE HOUSE -- H.R. 3355 -- EVERY STATE IS GUARANTEED .25

PERCENT OF THE TOTAL FUNDING. USING THIS FORMULA, UNDER THE PRESIDENT'S BUDGET THE STATE OF WYOMING WOULD RECEIVE A MINIMUM OF \$4.25 MILLION FOR COMMUNITY POLICING IN FY 1995. THIS COMPARES TO \$1.45 MILLION WYOMING WILL RECEIVE UNDER THE BYRNE FORMULA GRANT PROGRAM IN FY 1994.

LOCAL JURISDICTIONS AND OTHER ORGANIZATIONS CURRENTLY RECEIVING FUNDING THROUGH FORMULA SUBGRANTS FROM STATES WILL BE ELIGIBLE TO APPLY FOR THE INCREASED FUNDING AVAILABLE THROUGH BJA'S DISCRETIONARY GRANT PROGRAM AND THE NEW PROGRAMS CONTAINED IN THE CRIME BILL. NOW LOCAL POLICE, SHERIFFS, COURTS AND CORRECTIONS AGENCIES -- AS WELL AS OTHER STATE AND LOCAL AGENCIES AND NATIONAL ORGANIZATIONS -- WILL BE ABLE TO APPLY DIRECTLY TO THE JUSTICE DEPARTMENT FOR THESE FUNDS.

IN CONCLUSION, MR. CHAIRMAN, WE WANT TO WORK WITH YOU AND OTHER MEMBERS OF THE COMMITTEE AS YOU CONSIDER BOTH CRIME LEGISLATION AND THE ADMINISTRATION'S BUDGET IN THE COMING MONTHS TO DETERMINE HOW TO BEST SPEND AND DISTRIBUTE THE SIGNIFICANT CRIME INVESTMENTS PROPOSED IN THE ADMINISTRATION'S BUDGET. IN RECENT MONTHS, THE PRESIDENT HAS VISITED THE NATION'S GOVERNORS AND MAYORS TO DISCUSS CRIME, VIOLENCE, AND DRUGS, AND THERE IS NO DISAGREEMENT BETWEEN THE ADMINISTRATION, STATES, AND CITIES THAT WE NEED TO GET MORE RESOURCES TO THE STATE AND LOCAL LEVELS IN ORDER TO IMPACT CRIME AND DRUGS IN THIS COUNTRY. WE LOOK FORWARD TO WORKING WITH THE COMMITTEE ON THIS ISSUE.

I HAVE APPENDED TO MY PREPARED TESTIMONY MATERIALS THAT PROVIDE AN ANALYSIS OF THE BYRNE FORMULA GRANT PROGRAM FOR FISCAL

YEARS 1991 THROUGH 1993. I WOULD BE PLEASED TO ANSWER ANY
QUESTIONS THE SUBCOMMITTEE MAY HAVE.

**EDWARD BYRNE MEMORIAL STATE AND LOCAL
LAW ENFORCEMENT ASSISTANCE FORMULA GRANT PROGRAM
LOCAL PASSTHROUGH FOR FY 1991**

State Name	Award Amount	Required Passthrough	% Required Passthrough	Proposed Passthrough	% Proposed Passthrough *	Difference In Passthrough
Alabama	7,023,000.00	3,241,255.00	51.28	5,820,700.00	92.09	2,579,445.00
Alaska	1,821,000.00	426,087.00	24.63	448,512.00	25.90	22,425.00
American Samoa	771,170.00	0.00	0.00	0.00	0.00	0.00
Arizona	6,209,000.00	3,641,042.00	81.23	5,215,580.00	87.71	1,574,518.00
Arkansas	4,543,000.00	2,527,287.00	57.78	3,973,440.00	90.84	1,446,143.00
California	43,181,000.00	26,878,796.00	64.37	27,782,736.00	66.53	902,940.00
Colorado	5,863,000.00	3,566,375.00	64.03	4,390,214.00	78.82	823,839.00
Connecticut	5,750,000.00	2,445,015.00	44.76	2,445,015.00	44.76	0.00
Dallas	2,032,000.00	551,606.00	28.47	680,047.00	35.10	128,441.00
Dist. of Columbia	1,933,000.00	1,836,350.00	100.00	1,836,350.00	100.00	0.00
Florida	16,414,000.00	12,044,977.00	65.13	12,230,820.00	66.13	185,823.00
Georgia	10,381,000.00	5,430,821.00	58.18	5,805,740.00	60.00	171,900.00
Guam	1,262,000.00	0.00	0.00	0.00	0.00	0.00
Hawaii	2,868,000.00	1,193,569.00	47.09	1,426,775.00	56.29	233,206.00
Idaho	2,526,000.00	1,428,150.00	62.82	1,428,150.00	62.82	0.00
Illinois	17,948,000.00	11,336,090.00	66.61	11,336,090.00	66.61	0.00
Indiana	8,160,000.00	5,126,348.00	58.91	5,126,348.00	58.91	0.00
Iowa	5,172,000.00	2,296,585.00	46.27	2,741,180.00	55.23	444,595.00
Kansas	4,898,000.00	2,435,980.00	54.58	4,463,100.00	100.00	2,027,140.00
Kentucky	6,457,000.00	1,787,850.00	30.23	2,925,000.00	49.63	1,137,350.00
Louisiana	7,406,000.00	3,835,187.00	56.08	5,988,108.00	96.16	2,162,930.00
Maine	2,828,000.00	1,247,893.00	45.96	1,421,891.00	52.36	173,998.00
Maryland	7,858,000.00	3,208,753.00	43.14	3,498,188.00	47.04	290,435.00
Massachusetts	9,624,000.00	4,070,029.00	44.28	4,070,029.00	44.28	0.00
Michigan	14,491,000.00	8,040,203.00	57.43	12,498,837.00	99.29	4,458,737.00
Minnesota	7,364,000.00	4,953,751.00	70.93	5,715,837.00	81.84	762,186.00
Mississippi	4,855,000.00	2,553,555.00	57.17	3,518,800.00	78.73	965,045.00
Missouri	8,531,000.00	4,756,813.00	58.08	4,954,805.00	60.50	198,192.00
Montana	2,225,000.00	1,255,526.00	58.56	1,504,100.00	70.15	248,574.00
N. Mariana Islands	379,800.00	0.00	0.00	0.00	0.00	0.00
Nebraska	3,381,000.00	1,937,058.00	60.13	1,937,058.00	60.13	0.00
Nevada	2,987,000.00	1,568,089.00	53.93	1,853,540.00	65.26	84,451.00
New Hampshire	2,861,000.00	1,387,339.00	54.88	1,477,950.00	58.46	90,811.00
New Jersey	12,285,000.00	6,872,368.00	58.55	7,804,300.00	64.79	731,932.00
New Mexico	3,271,000.00	1,320,045.00	44.84	1,423,800.00	48.37	103,855.00
New York	27,082,000.00	17,140,458.00	64.53	17,140,458.00	64.53	0.00
North Carolina	10,577,000.00	3,742,037.00	39.31	6,082,750.00	63.69	2,320,713.00
North Dakota	2,014,000.00	1,091,910.00	60.24	1,213,234.00	66.93	121,324.00
Ohio	16,858,000.00	9,912,202.00	61.89	11,512,328.00	71.88	1,600,226.00
Oklahoma	5,728,000.00	2,518,372.00	46.28	3,801,000.00	69.85	1,282,628.00
Oregon	5,143,000.00	2,281,023.00	46.28	2,571,800.00	55.56	290,777.00
Pennsylvania	18,500,000.00	11,908,820.00	67.78	11,908,820.00	67.78	0.00
Puerto Rico	5,825,000.00	0.00	0.00	0.00	0.00	0.00
Rhode Island	2,503,000.00	1,084,458.00	44.75	1,085,000.00	44.77	544.00
South Carolina	6,145,000.00	2,430,976.00	40.98	4,485,000.00	75.57	2,054,024.00
South Dakota	2,083,000.00	981,450.00	49.28	1,347,473.00	67.77	366,023.00
Tennessee	8,214,000.00	4,074,103.00	52.21	6,056,047.00	77.81	1,981,944.00
Texas	25,672,000.00	16,487,048.00	67.52	22,591,380.00	62.43	6,124,312.00
Utah	3,530,000.00	1,733,145.00	50.90	1,798,770.00	52.77	63,625.00
Vermont	1,879,000.00	511,901.00	28.20	529,878.00	29.19	17,977.00
Virgin Islands	1,201,000.00	0.00	0.00	0.00	0.00	0.00
Virginia	9,862,000.00	2,812,285.00	31.56	3,136,148.00	35.26	326,781.00
Washington	7,955,000.00	4,718,878.00	62.91	6,148,000.00	81.94	1,427,121.00
West Virginia	3,748,000.00	1,775,315.00	49.88	1,825,315.00	51.26	50,000.00
Wisconsin	8,106,000.00	5,071,637.00	63.39	6,081,000.00	60.90	1,009,363.00
Wyoming	1,746,000.00	967,458.00	55.41	967,480.00	55.41	1.00
Total	423,000,000.00	226,412,054.00		287,346,438.00		40,984,382.00

Source: Bureau of Justice Assistance

**Formula Grant Program Allocation of Funds
Fiscal Year 1992**

State	Award Amount	Admin. Funds	% Admin.	Required Passthrough	% Required Passthrough	Proposed Passthrough	% Proposed Passthrough	Difference in Passthrough
Alabama	6,894,000	689,400	10.00	3,161,244	50.95	4,159,900	67.05	998,656
Alaska	1,852,000	92,600	5.00	386,540	21.97	406,884	23.13	20,344
American Samoa	795,960	79,596	10.00	0	0.00	0	0.00	0
Arizona	6,352,000	317,600	5.00	3,683,398	61.04	5,005,587	82.95	1,322,189
Arkansas	4,453,000	145,811	3.27	2,363,355	54.87	3,635,037	84.39	1,271,682
California	44,048,000	2,191,512	4.98	26,432,372	63.15	28,631,200	66.40	2,198,828
Colorado	5,817,000	290,850	5.00	3,250,481	58.82	3,260,428	59.00	9,947
Connecticut	5,806,000	290,300	5.00	2,038,603	36.96	2,145,898	38.91	107,295
Delaware	2,020,000	138,500	6.86	505,559	26.87	553,135	29.40	47,576
District of Columbia	1,934,000	96,700	5.00	1,837,300	100.00	1,837,300	100.00	0
Florida	19,747,000	699,763	3.54	11,725,479	61.56	12,156,253	63.82	430,774
Georgia	10,416,000	833,280	8.00	5,116,214	53.39	5,674,220	59.21	558,006
Guam	1,250,000	62,500	5.00	0	0.00	0	0.00	0
Hawaii	2,658,000	86,981	3.27	1,194,238	46.45	1,499,119	58.31	304,881
Idaho	2,512,000	251,200	10.00	1,184,885	52.41	1,184,885	52.41	0
Illinois	17,570,000	878,500	5.00	10,767,687	64.51	11,344,407	67.91	566,720
Indiana	9,066,000	453,300	5.00	4,890,291	56.78	5,147,675	59.77	257,384
Iowa	5,069,000	224,000	4.42	1,976,276	40.79	2,785,000	57.48	808,724
Kansas	4,637,000	231,850	5.00	2,092,006	47.49	4,173,300	94.74	2,081,294
Kentucky	6,381,000	638,100	10.00	1,894,357	32.30	3,780,050	65.82	1,925,093
Louisiana	7,154,000	429,240	6.00	3,491,495	51.82	5,468,570	81.32	1,977,076
Maine	2,831,000	130,513	4.61	1,123,133	41.59	1,596,889	59.13	473,756
Maryland	7,965,000	399,000	5.01	3,364,600	44.47	3,436,101	45.42	71,501
Massachusetts	9,749,000	487,450	5.00	3,393,432	36.64	5,396,500	58.27	2,003,068
Michigan	14,485,000	485,000	3.35	7,434,000	53.10	10,875,750	77.68	3,441,750
Minnesota	7,778,000	311,350	4.22	4,967,148	70.29	5,702,900	80.70	755,752
Mississippi	4,775,000	477,500	10.00	2,257,047	52.52	3,367,500	78.36	1,110,453
Missouri	8,449,000	341,240	4.04	4,720,338	58.22	4,969,701	61.30	249,363
Montana	2,212,000	89,000	4.02	1,243,229	58.56	1,492,000	70.28	248,771
Nebraska	3,338,000	76,500	2.29	1,968,641	60.36	1,968,641	60.36	0
Nevada	2,794,000	198,000	7.09	1,609,780	62.01	1,699,003	65.45	89,223
New Hampshire	2,660,000	133,000	5.00	1,300,394	51.46	1,300,883	51.48	489
New Jersey	12,224,000	374,450	3.06	6,833,635	57.67	8,598,770	72.57	1,765,135
New Mexico	3,246,000	324,600	10.00	1,233,707	42.23	1,544,927	52.88	311,220
New York	27,046,000	450,000	1.66	16,832,608	63.29	16,832,608	63.29	0
North Carolina	10,633,000	1,063,300	10.00	3,958,028	41.36	6,350,250	66.36	2,392,222
North Dakota	1,980,000	99,000	5.00	1,056,370	56.16	1,056,370	56.16	0
Northern Marianas	392,040	39,204	10.00	0	0.00	0	0.00	0
Ohio	16,727,000	836,350	5.00	10,236,757	64.42	11,195,650	70.45	958,893
Oklahoma	5,602,000	280,100	5.00	2,416,675	45.41	2,416,675	45.41	0
Oregon	5,163,000	516,300	10.00	2,183,020	46.98	2,382,186	51.27	199,166
Pennsylvania	18,221,000	911,050	5.00	11,222,041	64.83	11,386,065	65.78	164,024
Puerto Rico	6,145,000	291,250	4.74	0	0.00	0	0.00	0
Rhode Island	2,507,000	125,350	5.00	994,577	41.76	994,577	41.76	0
South Carolina	6,094,000	210,000	3.45	2,502,465	42.53	5,195,000	88.29	2,692,535
South Dakota	2,063,000	144,410	7.00	904,807	47.16	987,807	51.49	83,000
Tennessee	8,103,000	210,000	2.59	3,850,205	48.78	4,013,539	50.85	163,334
Texas	25,596,000	1,279,800	5.00	15,951,427	65.60	20,380,349	83.81	4,428,922
Utah	3,546,000	125,000	3.53	1,702,290	49.76	1,796,770	52.52	94,480
Vermont	1,870,000	40,000	2.14	459,513	25.11	459,513	25.11	0
Virgin Islands	1,205,000	120,500	10.00	0	0.00	0	0.00	0
Virginia	9,996,000	999,600	10.00	2,702,519	30.04	3,058,479	34.00	355,960
Washington	8,088,000	275,000	3.40	4,707,333	60.25	5,730,600	73.35	1,023,267
West Virginia	3,648,000	364,800	10.00	1,573,638	47.93	1,730,600	52.71	156,962
Wisconsin	8,124,000	252,600	3.11	4,878,694	61.98	4,878,694	61.98	0
Wyoming	1,713,000	0	0.00	941,294	54.95	967,459	56.48	26,165
TOTAL	423,000,000	21,582,800		218,475,725		256,631,604		38,125,879

Source: Bureau of Justice
Assistance

**Formula Grant Program Allocation of Funds
Reflecting Required and Proposed Variable Passthrough
Fiscal Year 1993**

State	Award Amount	Admin. Funds	Percent Administration	Required Passthrough	Percent Required Passthrough	Proposed Passthrough	Percent Proposed Passthrough	Difference in Passthrough
Alabama	\$6,884,000	\$668,400	10.00	\$3,156,658	50.95	\$5,051,400	81.53	\$1,894,742
Alaska	1,870,000	187,000	10.00	369,755	21.97	369,755	21.97	0
American Samoa	794,620	79,462	10.00	0	0.00	0	0.00	0
Arizona	6,401,000	448,070	7.00	3,633,668	61.64	4,975,807	83.59	1,342,139
Arkansas	4,438,000	162,848	3.67	2,345,776	54.87	3,676,070	85.99	1,330,294
California	44,349,000	3,104,430	7.00	26,045,946	63.15	28,396,600	68.85	2,350,654
Colorado	5,870,000	481,340	8.20	3,169,610	58.82	3,233,196	60.00	63,586
Connecticut	5,747,000	197,784	3.44	2,050,990	36.96	2,050,990	36.96	0
Delaware	2,027,000	143,250	7.07	506,164	26.87	732,672	38.90	226,708
District of Columbia	1,910,000	191,000	10.00	1,719,000	100.00	1,719,000	100.00	0
Florida	19,877,000	891,151	4.46	11,749,249	61.56	12,297,841	64.43	548,592
Georgia	10,495,000	725,000	7.00	5,210,864	53.39	5,800,000	59.43	589,136
Guam	1,247,000	62,500	5.01	0	0.00	0	0.00	0
Hawaii	2,675,000	133,750	5.00	1,180,411	46.45	1,509,000	59.38	328,589
Idaho	2,538,000	253,800	10.00	1,197,149	52.41	1,197,149	52.41	0
Illinois	17,506,000	875,300	5.00	10,728,465	64.51	11,293,122	67.91	564,657
Indiana	9,052,000	452,600	5.00	4,882,739	56.78	5,145,726	58.84	262,987
Iowa	5,940,000	210,000	4.17	1,970,157	40.79	2,920,000	60.46	949,843
Kansas	4,613,000	90,000	1.95	2,147,973	47.49	4,292,350	94.90	2,144,377
Kentucky	6,349,000	317,450	5.00	1,948,191	32.30	2,240,127	37.14	291,936
Louisiana	7,117,000	427,020	6.00	3,473,438	51.92	5,377,485	80.38	1,904,047
Maine	2,817,000	129,957	4.61	1,117,541	41.59	2,117,557	76.81	1,000,016
Maryland	7,983,000	399,150	5.00	3,372,538	44.47	3,372,538	44.47	0
Massachusetts	9,602,000	720,150	7.50	3,254,310	36.64	3,868,300	43.55	613,990
Michigan	14,407,000	407,800	2.83	7,434,000	53.10	8,624,928	68.75	2,190,928
Minnesota	7,373,000	311,350	4.22	4,963,634	70.29	5,943,283	84.16	979,659
Mississippi	4,751,000	475,100	10.00	2,245,703	52.52	3,350,900	76.37	1,105,197
Missouri	8,408,000	336,320	4.00	4,699,332	58.22	4,895,138	60.65	195,806
Montana	2,209,000	69,000	4.03	1,241,472	58.56	1,439,000	67.88	197,528
Nebraska	3,328,000	76,500	2.30	1,962,605	60.36	1,962,605	60.36	0
Nevada	2,887,000	138,000	4.78	1,704,655	62.01	1,704,655	62.01	0
New Hampshire	2,632,000	131,600	5.00	1,286,706	51.46	1,286,706	51.46	0
New Jersey	12,115,000	844,285	6.97	6,499,821	57.67	7,830,377	69.48	1,330,556
New Mexico	3,263,000	326,300	10.00	1,240,168	42.23	1,628,700	55.46	388,532
New York	26,790,000	470,000	1.75	16,657,928	63.29	17,330,900	65.85	672,972
N. Mariana Islands	391,380	39,138	10.00	0	0.00	0	0.00	0
North Carolina	10,658,800	1,065,800	10.00	3,967,334	41.36	7,236,000	75.44	3,268,666
North Dakota	1,962,000	98,100	5.00	1,046,766	56.16	1,046,766	56.16	0
Ohio	16,645,000	1,182,250	7.10	9,961,104	64.42	11,529,900	74.57	1,568,796
Oklahoma	5,582,000	279,100	5.00	2,406,047	45.41	3,000,000	56.57	593,953
Oregon	5,221,000	522,100	10.00	2,207,543	46.98	2,542,450	54.11	334,907
Pennsylvania	18,102,000	799,458	4.42	11,217,238	64.83	11,908,101	68.82	690,863
Puerto Rico	6,076,000	303,800	5.00	0	0.00	0	0.00	0
Rhode Island	2,488,000	124,000	4.98	987,206	41.76	1,039,600	43.98	52,394
South Carolina	6,130,000	300,000	4.89	2,479,499	42.53	4,580,000	78.56	2,100,501
South Dakota	2,058,000	144,130	7.00	903,053	47.16	1,139,471	59.51	236,418
Tennessee	6,115,000	210,000	2.59	3,856,059	48.78	4,470,000	56.55	613,941
Texas	25,780,000	1,289,000	5.00	16,066,096	65.60	23,489,050	95.91	7,422,954
Utah	3,580,000	70,000	1.96	1,746,576	49.76	2,065,000	58.83	318,424
Vermont	1,865,000	70,400	3.77	450,624	25.11	468,302	26.10	17,678
Virgin Islands	1,203,000	120,300	10.00	0	0.00	0	0.00	0
Virginia	10,015,000	1,001,500	10.00	2,707,655	30.04	2,724,046	30.22	16,391
Washington	8,208,000	520,940	6.34	4,631,996	60.25	5,882,066	76.65	1,250,064
West Virginia	3,624,000	362,400	10.00	1,563,285	47.93	1,955,400	59.95	392,115
Wisconsin	8,118,000	257,600	3.17	4,871,876	61.98	4,871,876	61.98	0
Wyoming	1,713,000	0	0.00	941,294	54.95	961,274	56.12	19,980
TOTAL	\$423,000,000	\$23,745,983		\$217,179,867		\$259,554,083		\$42,374,216

Source: Bureau of Justice Assistance

Mr. CONDIT. Thank you very much. Do either of your assistants have comments they would like to make, Ms. Townsend?

Ms. TOWNSEND. Would you like to say something?

Ms. MASTALLI. Just to reaffirm that the administration's proposed programs, combine targeting and flexibility in a fashion which will allow an enormous amount of local discretion while implementing priority programs of the administration. You will, in fact, probably see a significant dollar increase overall.

Kathleen's example was from the House-passed policing bill, but you will note that the Senate version, in fact, provides \$8.9 billion for policing. Under the Senate small State minimum formula, that would come to approximately \$54 million for policing purposes for each State. Under the House version, the minimum would be lower. The administration supports the full funding of that initiative at \$8.9 billion.

So you are talking about funds which, while targeted to administration priorities, may in fact, actually increase the availability of targeted Federal assistance, and through the displacement of funds, might make State and local funds available to support any program currently funded under the Byrne formula program. I'm not sure that there is a law enforcement program anywhere which is not going to directly benefit from the administration's proposed programs.

So I would keep in mind the potential of displacement of some funds actually increasing local discretion.

Mr. CONDIT. Thank you.

Mr. Nadol.

Mr. NADOL. Thank you. I will wait for the questions.

Mr. CONDIT. I would like to introduce, for the record, correspondence between the drug czar, Lee Brown, and Attorney General Reno. In this letter, Mr. Brown raised objections to cutting the Byrne grant. In the end, the program ended up getting eliminated, not cut, but eliminated. Maybe you can give us some idea how that decision was made and why Mr. Brown was overruled?

[The letter follows:]



OFFICE OF NATIONAL DRUG CONTROL POLICY
EXECUTIVE OFFICE OF THE PRESIDENT
Washington, D.C. 20560

DEC 22 1993

The Honorable Janet Reno
Attorney General of the United States
U.S. Department of Justice
10th and Constitution Avenue, N.W.
Room 5111
Washington, D.C. 20530

Dear Attorney General Reno:

Pursuant to my responsibilities and authorities as described in Section 1003 of the Anti-Drug Abuse Act of 1988, I have completed my review of the Fiscal Year 1995 drug budget submissions of the Assets Forfeiture Fund, U.S. Attorneys, Bureau of Prisons, Drug Enforcement Administration, Federal Bureau of Investigation, Immigration and Naturalization Service, INTERPOL, U.S. Marshals, Office of Justice Programs, OCDETF, Support of Prisoners, Tax Division, Weed and Seed, and Federal-State Partnerships of the Department of Justice. Subject to the qualifications discussed below, I certify these requests are adequate to implement the goals, priorities, and objectives of the National Drug Control Strategy.

The only exception to this certification is the budget of the Federal Bureau of Investigation. While I am still certifying the FBI budget as adequate, the overall level of resources included in it appears to be more than necessary to implement the objectives of the National Drug Control Strategy.

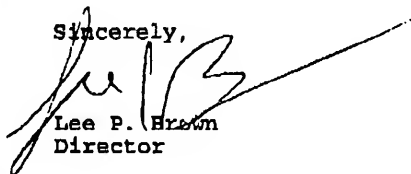
I also have concerns over the level of resources requested for the Byrne Grant Program. This program has assisted State and local law enforcement in providing a multitude of law enforcement activities in support of drug control. Your FY 1995 budget submission requests a reduction of \$81 million for Anti-drug Abuse program grants, of which I believe a large portion is attributable to the formula portion of the Byrne grant. Please provide justification for this proposed reduction. Moreover, I would like to know the allocation of resources for the specific purposes for which the law permits grant funds to be used and estimates of the extent your staff

feels these resources are being used for drug-related purposes. In the past, the entire Byrne Grant Program was considered "drug-related." I need to know if this is still the case.

I would also like detailed information on the demand reduction (prevention and treatment) activities administered by the Drug Enforcement Administration. While the budget submission identifies some resources for prevention activities, I believe these levels are underestimated.

Should your staff have any questions, please feel free to contact John Carnevale, Director of Planning and Budget (467-9880).

Sincerely,

A handwritten signature in dark ink, appearing to read 'L. P. Brown', with a long, sweeping horizontal line extending to the right.

Lee P. Brown
Director

c: Ms. Adrian Curtis

Ms. TOWNSEND. Well, he was disturbed—I think it was a misunderstanding, which is that when the Byrne grant—there was an original proposal to cut the Byrne grant in order to spend that money on juvenile justice prevention. As you know, there has been an incredible increase in the number of young people getting involved in crime.

The Byrne grant has 22 different areas, and it's a broad spectrum. The Attorney General thought, with good reason, that we have to concentrate our resources on the areas that are most in need and concentrating on juvenile crime was something that really needed to be done. So it was really switching the money from the Byrne grant to Juvenile Justice.

Mr. CONDIT. So the misunderstanding is what?

Ms. TOWNSEND. He didn't understand that the money wasn't being taken out of criminal justice programs entirely. He thought that's what was happening. He didn't understand it was being switched to the Juvenile Justice section.

Mr. CONDIT. Have you done any analysis on how many Washington based, full-time employees it will take to administer all the new discretionary spending and community policing grants contained in the budget requests?

Ms. TOWNSEND. OMB has done it. It will be approximately 300 more people.

Mr. CONDIT. 300 more people?

Ms. TOWNSEND. When you are increasing budget by \$2.7 billion, you obviously need some more help in distributing that money.

Mr. CONDIT. Are small jurisdictions regular participants in the Byrne discretionary program?

Ms. TOWNSEND. Sure. Yes. I mean, you know that.

Mr. CONDIT. How do you propose to continue funding for the 1,000 or so task forces that are currently funded through this program?

Ms. TOWNSEND. As you know, when the Byrne grant was originally passed, the idea was that the Byrne grant would last for 4 years. It was supposed to help jurisdictions decide that this might be an interesting program, let's try this, try something new. It was never intended to be a continual grant of money to the States for a single program.

Now, that has been extended for a couple of years for task forces, but I think the question will be, do the States continue to think this is important? If they do, some of that will be picked up by the States, as was intended originally by Congress when they passed the Byrne grant formula.

Mr. CONDIT. So what you are saying, the task forces, will be funded if it is the judgment of local jurisdictions in the State, to pay for it.

Ms. TOWNSEND. If it is. There are, as you know, also some task forces funded by the FBI and the DEA. We have found that because there are so many task forces—you noted yourself there are over 800 task forces—there sometimes is replication.

Ms. MASTALLI. In fact, as I think a number of the members, including yourself, of this subcommittee are aware, the issue of task forces and working to make federally assisted task forces more effective, whether they are federally funded or task forces in which

Federal prosecutors and agents work with local and State law enforcement, has been a very high priority of the Attorney General.

Her experiences in Florida and elsewhere led her to believe that this is something that we need to look at and to work very closely with States and local agencies to make sure that all of the Federal dollars are being cost-effectively spent. This is not to say that task forces are not a central piece of the administration's law enforcement policy and many of the related initiatives important, but it is to say that one of the areas where the Department is working with other Federal, State, and local agencies is to make sure that duplication of effort, overlapping of responsibility are minimized. We do not want competition between task forces in the same jurisdiction, or to have task forces with different sources of Federal funding, to be working against each other.

So making sure that the federally assisted task forces are as cost-effective and efficient and as well coordinated as possible is one of Attorney General Reno's top priorities. I expect that you will be hearing more on her efforts in this area.

Mr. CONDIT. Let me try, in laymen's terms, to give you my example of task forces and how you intend to fill this gap if this is eliminated. You have a rural county and it has 20-some small cities, maybe a couple large cities in that group. You may have cities of 4,000 or 6,000 that have no money to participate in the task force, but what they benefit from is the larger cities all coming together and sharing the expertise into the small city.

What happens, at least in California, and probably around the country, is that when you clamp down on drugs in the larger metropolitan areas, people disperse and go into rural California, and probably throughout rural America, because there are limited criminal justice resources there. It doesn't mean that the police departments aren't sophisticated. You may have three police officers, and the bad guys locate in that community believing that they can get away with it because there is just not the wherewithal to deal with them.

So the benefit is, when that move takes place, the task force shifts into rural California, rural America, and they come down on the bad guys, and they do a reasonably effective job, I believe, at least in the central valley of California where I have some knowledge about this.

How do you intend to replace that, if that is missing?

Ms. MASTALLI. Well, to respond in part, it is not clear—if you are saying that, in your hypothetical, all of the task force assistance comes from formula Byrne grants, there are a number of ways in which it would be replaced. Just yesterday—or was it the day before—the Attorney General announced the administration's national violent crime initiative, which is intended to help communities—I know there are some within your own district—which are experiencing problems with gang violence and drug-related gang violence. This initiative will provide assistance in a variety of forms, including working with and trying to better coordinate the existing resources supporting State and local task forces, to integrate the Federal effort, the dollar assistance, the money which may be available from asset forfeiture for overtime, and technical assistance to help the State and local task forces.

The community policing initiative is part of this strategy. Again, I believe one of the cities in your district had an excellent application for gang initiatives funded in one of the early rounds of the police hiring program.

Mr. CONDIT. They did.

Ms. MASTALLI. That's precisely the kind of effort, coordinated on a wider scale within areas, that we want to support. We want to use Federal assistance on intelligence and otherwise, to make sure the gang violence problem isn't just shoved around by one task force to another area in that or the next jurisdiction. The effort is to address the problem and to prevent it from being moved further, to make the rural areas inhospitable to gangs that might otherwise just move in because they see less law enforcement or a softer area.

This is something that has had the Attorney General's personal attention in trying to make the pieces of the administration's program fit together to avoid precisely the problem you described.

Mr. CONDIT. I believe that. I only raise this in laymen's terms because I'm trying to make sure that we all understand what we're talking about. The witnesses and people who are concerned about this need to have this answer.

The concern I have is, if we can't fill the void, if the task force is funded by the Byrne grant, or a high percentage of it is—I know that local communities where I live have to participate in some financial way, and they do, and it's reasonable, because they are sharing expertise and experience with other jurisdictions but if it is up to California to pick up the cost, it's going to be slim pickings for them, because, I mean, they are already strapped financially.

I would hazard to say that most of the States up here probably are going to share the same experience, and that's my concern. If the task force is effective and they are doing a good job, and you leave it up to the State to pick up the Federal cost, we have problems. So that's why I asked the question if we're going to pick up the void some way.

Ms. MASTALLI. I think that you will see that there are a number of initiatives, including those which the administration is working on and hoping to work on in conference in the crime bill, that are intended to specifically address the problem that you identify.

Mr. CONDIT. Will the new program cause interruption to the existing funding? I mean, how will the existing funding be picked up if it is eliminated? Are they going to be able to just continue on with the programs and find funding from the proposed new sources.

Ms. MASTALLI. I'm not sure I—

Mr. CONDIT. The task force right now, does it get to apply for the same kind of funding under the new program?

Ms. MASTALLI. It would not necessarily be the same kind of funding. The consortium of communities or joint jurisdictions might very well have to put together a proposal that addresses precisely how they intend to address this problem, how the resources are going to be used.

It's difficult to answer your question without having final legislative language enacted.

Mr. CONDIT. I understand that.

Ms. MASTALLI. The goal is to make sure that it is where the task forces are effective that there will be support for them in, if anything, a more comprehensive fashion.

Mr. CONDIT. I believe that the goal, is to not have interruption and for us to continue doing a good job, if we're doing a good job. So I'm not going to occupy all the time. I do want to allow the other committee people to ask questions.

Mr. Thomas.

Mr. THOMAS. Thank you.

Thank you very much for testifying. Let me just say that, you know, on these kinds of issues, we often get off on these eloquent speeches about anticrime. Everyone is opposed to crime. That's not the issue before us. The issue is, how do we deal with States that have a unique problem?

You mention in your statement somewhere that communities under 150,000 are small communities. Let me tell you, we don't have any of 150,000 in Wyoming; 60 is the largest we have. So those are the kinds of unique things that we have. So I hope that we can talk about that.

You mentioned this was a 4-year program. Then you also mentioned in your statement that you're going to continue programs that work well. Which ones work well? Does this work well?

Ms. TOWNSEND. The community policing?

Mr. THOMAS. No, not community policing, this Byrne grant.

Ms. TOWNSEND. The formula grant, as you know, is 22 different subject areas.

Mr. THOMAS. I understand.

Ms. TOWNSEND. And it has been in existence for a number of years. I think the experience under the Byrne grant is that we have discovered that there are parts that work well, community policing, for instance, in which people work in their communities; juvenile justice prevention, that that's really one of the great sources of crime. So let's put some more money in that.

Mr. THOMAS. That's possible under the Byrne grant, isn't it?

Ms. TOWNSEND. Right. But let's put it under the juvenile justice. The idea is that we are going to try to target where we should spend our money. This is, as you know, a tough fiscal time. The question is, do we target our money, do we make sure that it is being used in those best programs.

Mr. THOMAS. Who do you think has the best chance of deciding what's best in Wyoming?

Ms. TOWNSEND. I think the local communities do, and that's what is so exciting about the way that it's going forward. Let me just reiterate something I said earlier. Of the \$75 million that has already been given out through the police hiring supplement, 108 grants were given, 34 of those grants went to communities under 25,000. So it wasn't just under 150,000; it was under 25,000.

And the idea is—and we have had over 2,700 applications for over 13,000 police officers—those communities now can apply and describe the issues in their community, and therefore they can receive the money. So I think a local community who puts together an idea, we need police officers, we can use them well, we can work with the community, they can get the money.

Mr. THOMAS. Sure. I'm not making my point very well, I guess.

Ms. TOWNSEND. Well, maybe I'm not listening. Sorry.

Mr. THOMAS. That program has worked.

Ms. TOWNSEND. Yes.

Mr. THOMAS. Has worked. Police on the street is not something you need in Basin, WY, you know. It's not like walking the street in New York City. Do you understand?

Ms. TOWNSEND. Yes, I do. I guess what—community policing doesn't say walking—as we understand it, community policing is the idea that the community can best decide.

Mr. THOMAS. That's why we're here.

Ms. TOWNSEND. Yes. And the community, for instance, under both the Senate and the House version, every State is going to get a bottom line amount of money, perhaps 4 times, could be more, if the Senate bill passes, 4 times as much money to Wyoming than they currently get under the Byrne grant.

So I think that the towns and cities of Wyoming will have a great say in ideas about how best they could—for instance, as Jack Nadol has just pointed out to me, Casper, WY, has received \$450,000 under the police hiring supplement, which is only \$150 million. And that's one-third the amount of the Byrne grant.

Mr. THOMAS. I understand. The Byrne grant, interestingly enough, you announced today.

Ms. TOWNSEND. Yes.

Mr. THOMAS. That's today. They always come out on March 1?

Mr. NADOL. I think that award was made some time ago.

Mr. THOMAS. Oh, just got the news release today.

Mr. NADOL. It was in round two, but we hold it up for 10 days.

Mr. THOMAS. How are you going to fund the Byrne grants?

Ms. TOWNSEND. The Byrne grants are now—we're in fiscal year 1994.

Mr. THOMAS. I see. But you agree with not having them in 1995?

Ms. TOWNSEND. Yes, that's the administration's policy as the best way to help local jurisdictions is through these other—

Mr. THOMAS. And the administration is in support of the Senate bill?

Ms. MASTALLI. No, the administration is working closely with both the—the Senate has acted—is working closely with House Judiciary and will be working in conference to resolve the differences between the House and Senate bills.

Mr. THOMAS. What is your position? Do you have a bill?

Ms. MASTALLI. There is not an independent administration crime bill. There are a number of portions of both some of the House-passed bills and the Senate-passed comprehensive crime bill which the administration strongly supports, which are outlined in Kathleen's opening statement.

Mr. THOMAS. I see.

Ms. MASTALLI. There are issues being resolved in the reconciliation process, and there are a number of issues that are still under consideration in the House Judiciary Committee.

Mr. THOMAS. So the initiative you spoke of depends on what comes out of the Congress.

Ms. TOWNSEND. Yes.

Ms. MASTALLI. Perhaps I can help a little, and that is to say that it's not just the community policing police hiring program that

we're speaking about when we're talking about the overall administration initiative. It includes the assistance that we expect to come out of conference, in terms of gang prevention, the juvenile justice programs, drug courts, perhaps, in many jurisdictions, most importantly, assistance for correctional and detention facilities.

There is an effort on the part of the administration to look at where the gaps and the problems in the criminal justice system are, nationwide, and to target and focus assistance on those issues, while at the same time allowing the flexibility and a substantial amount of discretion within the programs to address local initiatives and problems.

Mr. THOMAS. Pretty easy to say, isn't it, but it isn't easy to do, is it? If you're focusing on something—you said you're focusing on—the attorney general—on coordination. I met with law enforcement folks in Cheyenne, all the way from the FBI and Secret Service, DCI, all the way down to the chief of police of Cheyenne. And the one thing that they felt good about, more than anything, was the coordination that they have there.

I think that's what this is all about is making as certain as we can that the States and communities are able to reflect the differences that they have. Frankly, the Attorney General has experience in Dade County, FL, but not in Big Horn County, WY. And I guess, if I can make any point—and I'm sure you understand it, but I'm not sure you accept it—is that I don't think the Attorney General ought to be telling us how we do these things. That has been the beauty of these kinds of grants.

As I read your statement, as I see what you're going to do, what works the best, what you think works the best, you're going to have cops on the street, which you think works the best, then I'm very leery. We've had a little experience with the feds telling folks how to do things. Specifically, let me tell you that the money that was spent in drugs in Wyoming had to be for intravenous drug users. We had two.

So, you know, that's an experience we don't want to go through again. So I may be a little strident about this, but I feel very strongly about it, that we have folks that are very capable, very able, and that are able to deal with the issues as they exist. I really am reluctant to have you folks inject yourselves entirely into what we ought to be doing.

Ms. MASTALLI. The Attorney General probably could not agree with you more, in terms of the need for the problem identification to be bottom-up. As you know, although she was in a metropolitan area, she experienced more than one frustration with hearing, "I'm here from Washington. I'm here to tell you what you need to do and how to do it."

Coordination, working closely with State and local officials, as well as with others within the community, is overarching in not just crime control but across the board one of the most important things to her.

To make it easier for local officials and communities to work with the Federal Government by having better integration of programs and services at the Federal level, using the people that are on the ground in each district to help run interference with the bureaucracy in Washington is part of her overarching goal.

She would not—I mean, there's a wide range of programs. There are a number of discretionary grant programs which may not be appropriate for jurisdictions within your district. But it's her hope that there also will be a number that will give your districts precisely the assistance they need. Even in the community policing and police hiring, 85 percent of those funds are targeted at hiring; 15 percent are for other purposes relating to assisting communities in improving their policing activities.

Mr. THOMAS. Understand. And I like what you're saying. The chief of police said, "The Brady bill is wonderful. It took the cop off the street so he can do administrative work." It wasn't what we wanted. And I know you're not totally responsible for it, as enthusiastic as you are about it. Well, I'm not.

But, in any event, I like what you're saying. I hope that turns out to be the case. I've made my point.

Ms. MASTALLI. We'll do our best to make sure it is.

Ms. TOWNSEND. Thank you for your comments.

Mr. CONDIT. Thank you, Mr. Thomas.

Mr. STUPAK. Thank you.

Of these 108 grants that have been let already, how many were for drug task force or drug interdiction teams?

Ms. TOWNSEND. They were all for community policing, hiring.

Ms. MASTALLI. As you may know, a number of the applications specified the problems in the community that they intended to address. In fact, in the chairman's district, one of the—was it Merced—

Mr. CONDIT. Merced.

Ms. MASTALLI [continuing]. Had a proposal that wanted to use a community policing approach to deal with an extremely ethnically diverse community, to deal with both gang and drug problems in that community. And it was custom tailored to use a community policing approach, combined with more traditional policing, to address the problem in his community.

I could not tell you precisely how many of the grants awarded had similar proposals, but those that thought drugs were a significant part of their crime problem included a strategy for addressing that problem in the district.

Mr. STUPAK. My question was, for drug task force, undercover drug work, zero; right? That's the answer. Of the 108, none.

Ms. MASTALLI. I would hesitate to say zero, because some of it may have included that as a component.

Mr. STUPAK. OK. If you go with the administration's proposal, where will the States get these formula grant funds to help fund drug task forces, drug undercover operations? Where would they get it underneath your proposal? Where can we look?

Ms. TOWNSEND. Well, part of it—as you know, there's \$100 million for discretionary grants. So they can certainly apply for the money under the discretionary grants. There is \$100 million, and if that's where they need it, if that's top priority for them.

Mr. STUPAK. But \$100 million—if you go back to the 1993 statistics that we have—we received more than that from the Federal Government. We received well over that \$100 million. So where would we look just to try to maintain the task force we have?

Ms. TOWNSEND. This is my understanding. Of the 22 different district areas, about \$100 million, maybe a little more, was used for drug task forces. The rest was used for other parts of the criminal justice system, community policing, victims, juvenile justice. So all of the Byrne formula grant program money, as it is currently given right now, doesn't go to task forces, a percentage does.

Mr. STUPAK. Agreed. But my point is, we need the money for the task force, for the drug—I mean—and the Byrne grant, I believe in community policing. I wrote the first community policing law in Michigan. I believe in it. I support it. Juvenile crime we have to do something with. But, at the same time, let us not forget the drug task force.

Ms. TOWNSEND. I don't think anybody wants to forget the drug task force.

Mr. STUPAK. Then where is it going to be found in the Byrne grants, where?

Ms. MASTALLI. It is not going to be a specific line item in the Byrne grant. It is an eligible funding purpose under the discretionary portion of the Byrne grants. It's also a primary purpose for assistance under several other programs, and it's something that has quite successfully been supported, including in some jurisdictions within your district, using the asset forfeiture funds and equitable sharing.

The other issue, which I've mentioned briefly in the past, is, to the extent that there is a gap in the direct assistance, we would anticipate that the large increase in funding for other purposes, including some things which, I'm sure, cities like Detroit and other jurisdictions in Michigan are currently directing their funds to, could be shifted to fill any gap that formula funds currently are funding, while the Federal assistance supports a program that might otherwise be covered by the State or local funds.

It's not perfect. But the State and local task forces continue to be a priority, and there is assistance available for them.

Mr. STUPAK. Where? I mean, you take away our primary source of funding the Byrne formula grants; you take it away. Where do we look? My district isn't even close to Detroit. I'm so far north, I mean, my district is very remote. My biggest town is 20,000 people, and I have 27,000 square miles. So my area is very remote, and we have a very unique drug problem called methcathinone. Where do we look for assistance from the Federal Government to help us fight the methcathinone problem, which is becoming a nationwide problem?

If you take away this funding, where do we look? That's what I need to know.

Ms. MASTALLI. Perhaps, rather than giving you generic answers based on what we expect to have available, we can give you a response on how we think that problem can best be addressed, in writing, if that would be helpful to you. Because I don't think any of us are expert in precisely how DEA and the other law enforcement agencies are dealing with that specific problem, which is, in fact, as you noted, an increasing problem that we're trying to prevent from spreading elsewhere.

Mr. STUPAK. OK. Take methcathinone away. Let's go to cocaine. If you don't have the Byrne grant funds, how do we get Federal assistance to do our undercover teams? How do we do that?

Ms. MASTALLI. I tried to answer that question before, identifying the availability of discretionary funds under the Byrne discretionary grant program, asset forfeiture equitable sharing, the existing DEA, State, and local task forces, and potentially under other programs that are—the youth gangs program—a number of those that are targeted at drugs and violence.

Mr. STUPAK. Are you saying, then, we can apply for youth gang money and divert it into drug undercover teams?

Ms. MASTALLI. If, as part of a strategy for addressing—and I don't know enough of the details about the problem of cocaine in your district—but there are a number of avenues for addressing it that may be supported by a number of the proposed and existing initiatives.

Ms. TOWNSEND. Jack Nadol.

Mr. NADOL. Let me take a little shot at it. I don't know if I'm going to satisfy you. We've done some surveys of task forces, and we found about 800 task forces funded under the Byrne program. FBI funds about 100 and some task forces working with State and local government. DEA funds another equivalent amount. We fund another 40 or so under our discretionary program.

What is indicated, some jurisdictions, we found, local task forces don't even know that there's a DEA or FBI task force working in the same area. So we found a lot of duplication, overlap. But worse than the duplication and overlap, because there's enough crime out there for everybody, what we found was a failure to share intelligence information.

So you can have one task force that's working with Byrne subgrant money, if I can use that term, that is not sharing intelligence information with DEA, FBI, or with our other discretionary programs. What we're trying to do is put some sense into this so we just don't have a proliferation of task forces that don't communicate, do not share intelligence information, and do overlapping and duplicative work.

Are there task forces that are doing a good job? Certainly. Are there task forces that need to be continued? Probably certainly. Some of the funds will come from discretionary money. Some will come from the fact that they will join with DEA, FBI, State, and local funded task forces. Some will be picked up by States, and some, I guess, will disappear.

But the idea is to get some kind of rational sense into the number of task forces we have and how they communicate and share information so we avoid the problems with the right hand not knowing what the left hand is doing and people not sharing intelligence information.

We are sensitive to the fact that, in rural areas, Wyoming and the rural areas in Michigan, DEA is not always there. And I guess that's a problem that we'll be addressing. The other problem I guess we look at, we look at Wyoming and Texas, most of the Byrne grant program goes for task forces.

So one says, one argues, we'll leave it a local option, so to speak. And the question would be, is 90-some percent funding for task

forces in Wyoming and Texas really local option? Is that what the local police departments want? Is that what the local Juvenile Justice programs want? Is that what the local victims programs want? Is that what the local community people want?

We're not so sure that, in the jurisdiction where you have more than 90 percent of your money going for State and local task forces that you're truly reflecting the needs of local government.

The administration is not alone in this. I mean, both the Senate crime bill and the House crime bill have targeted money for community policing, boot camps, criminal history records, and things like that. We think that, in a sense, not only the administration, but those people, the Congressmen and Senators who have proposed those bills, speak for their constituents, as well.

I don't know if we're getting mixed signals here.

Mr. STUPAK. Well, no. No, it's a very clear signal. Once you cut out—and I'll wrap it up, Mr. Chairman. Thank you for your courtesies and time.

You did away with, underneath this proposal, the discretionary funds that we used before, the task force funds that we've used before, and it has set off a storm of controversy, because that was the task force money we used for undercover drug operations. Every rural area I've been in wants them to continue.

Your community policing idea, it's a great idea, but, let's face it, you look at population density, you look at the juvenile population, you look at the crime rate, and community policing, although it's a great idea, works in urban areas, very limited application, very, very limited application in rural areas. Juvenile crime, because we probably don't have the population density, we don't qualify there.

We, in the rural areas, especially northern Michigan, we want these task forces to continue. When you say they are gone, you've set off a storm of controversy. And if you're really listening to the local people, they will probably tell you, those of us who are in law enforcement have done it, that these work, they are very good, we want them to continue. You have a right to shift policy, but don't leave us, in the rural areas, hanging, with nothing.

Your DEA task force—we have one in northern Michigan because of the methcathinone problem—consists of one individual. How one individual is going to do this whole task force is beyond me. But it's been the UPSET teams and the SANE teams that we have, which are a drug task force, which have really helped out and made a difference.

We do cooperate. We do coordinate, not only on drug information, but these multijurisdictional teams lead to further cooperation and coordination amongst law enforcement. What I'm telling you is that we don't want these things taken away from us. I think we know what works, and we want that part to continue.

Thank you, Mr. Chairman.

Mr. CONDIT. Thank you, Mr. Stupak.

Mr. Horn.

Mr. HORN. Thank you, Mr. Chairman.

Let me review this from an organizational stand so I can understand it. Ms. Kennedy Townsend, you are Deputy Assistant Attorney General in the Office of Justice Programs.

Ms. TOWNSEND. Justice Programs, yes.

Mr. HORN. Now, you report to whom?

Ms. TOWNSEND. I report to Laurie Robinson, who is the Acting Assistant Attorney General for the Office of Justice Programs.

Mr. HORN. And she would report to whom?

Ms. TOWNSEND. The Deputy Attorney General.

Mr. HORN. And then he reports directly to the Attorney General?

Ms. TOWNSEND. Yes. Or she.

Mr. HORN. Or she.

Ms. TOWNSEND. We hope.

Mr. HORN. When the decision was made, was that recommended from the program people reporting to you that this change be made in the Byrne program, or was that made by you, the Acting Assistant Attorney General ahead of you, the Deputy Attorney General?

Ms. TOWNSEND. That's a great question. It was really made by the administration.

Mr. HORN. You're saying the Office of Management and Budget or the White House?

Ms. TOWNSEND. Yes.

Mr. HORN. Well, yes to what, both?

Ms. TOWNSEND. I think it was made by both. We have, as you know, a very tough fiscal time.

Mr. HORN. Right.

Ms. TOWNSEND. We want to focus our efforts on crime prevention and punishment. And the question is, where can you go that you can focus your efforts, and where is money that might be better spent, in a different way.

Mr. HORN. Now, was that just a broad philosophical question as guidance to the Department, as to how to look at programs to get the money they needed, or was it specifically said by the Office of Management and Budget, "Get rid of the Byrne program. We don't think it works."

Ms. TOWNSEND. No, it was never said that "We don't think it works." That was never—I mean, the Byrne grant, as we've all agreed, has done lots of good things, many worthy programs. The question is, as you know, at one point you have to make judgments as to what would be better.

Mr. HORN. No, I appreciate that.

Ms. TOWNSEND. So it was never a knock on the Byrne grant; it was a belief that you can address many of the issues that the Byrne grant already does through different ways. You've heard it this morning.

Mr. HORN. No, no, I'm just trying to get the trail first, so I understand the situation. I have great sympathy for people involved in trying to make a lot of things happen with very little resources.

Ms. TOWNSEND. Yes.

Mr. HORN. I've been an executive most of my life. But let me ask you now, what was specifically the guidance? Did it mention specifically the Byrne program?

Ms. TOWNSEND. If you're asking whether there was a lot of support for the Byrne program, yes, there was in the Department of Justice.

Mr. HORN. Well, no, I'm trying to get it straight as to the guidance from the Office of Management and Budget, part of the Exec-

utive Office of the President, and/or the White House, whichever special assistants are involved there, or the drug czar.

Ms. TOWNSEND. I think, you know, the Office of Management and Budget decided, looking at lots of programs across the Department of Justice, as well as across all the Federal agencies, thought that this was a program that could be eliminated or cut.

Mr. HORN. OK. So that was their suggestion then?

Ms. TOWNSEND. Yes.

Mr. HORN. It did not come within the bowels of the Justice Department.

Ms. TOWNSEND. No, it did not.

Mr. HORN. All right. Now, having said that, knowing where the arrow is coming from, the question then is, how much did the Justice Department want to defend this program at the working level where you do know, the career civil servants know what to do.

Ms. TOWNSEND. The Justice Department defended this program.

Mr. HORN. So you're saying your career servants recommended that this program be defended. They thought it worked.

Ms. TOWNSEND. Sure.

Mr. HORN. OK.

Ms. TOWNSEND. It does. I mean, there's no question.

Mr. HORN. There's no question on that. And you recommended that it be defended; is that correct?

Ms. MASTALLI. Maybe we can put, if I may, a little bit of context.

Ms. TOWNSEND. Yes.

Ms. MASTALLI. As you noted, the administration and the Department have been faced with some very hard choices.

Mr. HORN. Right. I know that.

Ms. MASTALLI. With the discretionary spending caps, the Attorney General was faced with OMB guidance as to, "These are your—" and congressionally mandated caps. When the choices came down that OMB and the Attorney General had to face, they were choices in terms of what discretionary spending, the immigration program, prison expansion, others. There is, as I think someone alluded to earlier, there is a little bit of a twist here, too, because the crime control fund, which the administration supports, which will fund—the Senate version includes some 22-point-something billion dollars over 5 years—those programs are not hit by the discretionary spending cap as hard as some of the existing spending programs.

So the State and local assistance flexibility is greater within those that can be funded out of the crime control fund. So there were very hard choices to be made, and the choice that the administration made was, there were some things within the Department's very limited discretionary funding—we did not want to cut FBI agents, we did not want to cut DEA agents, we did not want to be unable to activate already constructed prisons.

Mr. HORN. You have cut immigration agents, however; am I not correct?

Ms. MASTALLI. There is also a major immigration initiative included within the crime control fund, I believe. I don't know the details.

Mr. HORN. Yes or no?

Ms. MASTALLI. I do not know the answer to that.

Mr. HORN. You do not know?

Ms. MASTALLI. I could look at it.

Mr. HORN. Because we understand that you have cut those, and yet we've got a crisis on every border and every port. So we don't understand that.

Ms. MASTALLI. We're putting over \$400 million into immigration.

Mr. NADOL. There's \$300 million in a proposal to increase Border Patrol and address the alien problem.

Ms. MASTALLI. That's a 22 percent increase in the IMS budget. I do not know precisely how that works out in agent power.

Mr. HORN. Let me just ask, so I get the organizational hierarchy straight. Now, it's Ms. Mastralli, is it?

Ms. MASTALLI. Mastalli.

Mr. HORN. Mastalli. Your position is what?

Ms. MASTALLI. I'm also a Deputy Assistant Attorney General, however in the Office of Policy Development.

Mr. HORN. OK. And what role did the Policy Development Office have in making these basic decisions?

Ms. MASTALLI. I don't believe that the decision—the decisions were made—

Mr. HORN. No, in recommending. Let's change that. What role did the Policy Analysis (sic) Office have in recommending what be looked at and what be seriously considered for either elimination, revision, consolidation, whatever?

Ms. MASTALLI. We participated in the discussions of what the priorities were and what the constraints were. The office did not make a specific policy recommendation regarding this issue.

Mr. HORN. OK. There's nothing in writing, then, anywhere that says, "We recommend you seriously look at this, because we just don't think the idea of drug task forces is very good." The administration's policy—and I can appreciate that—says look not only at supply, but look at demand. That's a very reasonable position to take. I don't knock that. But I'm just trying to get the framework of reference in which people function here.

So did the office, your office, particularly target the Byrne program? That's all I want to know.

Ms. MASTALLI. No.

Mr. HORN. OK. You're saying no. Fine. So the germination comes from OMB. You've got a serious resource problem. So the heat's on to look at where you can flexibility for some things you want to do under the law and where you've got to squeeze the money out to do other things that there's great pressure to do.

Ms. MASTALLI. That's a fair representation.

Mr. HORN. Who made the first decision, then, that really counted? All this is floating around in your various divisions, but was it made at the Assistant Attorney General level or the Deputy Attorney General level?

Ms. MASTALLI. I could not answer with confidence precisely who made what recommendation. There is, in fact, an ongoing process of exchange in which the Attorney General and the Deputy Attorney General and the Assistant Attorney General for the Justice Management Division work closely with OMB, with the White House policy people, as well as many others and the head of each of the components.

It's a process, as you are well aware, of guidance and task-backs. I would rather say that the decision evolved, as opposed to having been made at any point in time.

Mr. HORN. Well, it sounds like nobody left any fingerprints either.

What I'm curious about is—I understand how these are done. Usually, there is a priority ranking. Somebody at the operating level has to say, "What's our first choice to keep? What's our second choice to keep?" so on down. Then you fight for it, or you're supposed to fight for it, the way most bureaucracies work. I mean, is that what happened, a bottoms-up operation, or was this a top-down operation as to what you get rid of?

Ms. TOWNSEND. Do you want to say something, Jack?

Mr. NADOL. We give our input, and we live with the decisions that are made. I mean, I think we gave our best input, and other people have other input from a variety of sources. Then we live with the decision that is made, and we support it and will implement it, if the Congress, in its wisdom, will pass the bill.

Mr. HORN. Well, I would assume, if I were the Assistant Attorney General, I would have made the decision in my division and then taken it up to the Deputy. And I've got to compete with your area, the staff area, and other line areas, and so forth. Isn't that how it was made? The Acting Assistant Attorney General made the first decision on this?

Mr. NADOL. On what?

Mr. HORN. On the Byrne program. Either you want to keep it, or you don't want to keep it.

Mr. NADOL. The Office of Justice Programs, Bureau of Justice Assistance made its recommendations to the administration and then the administration gets input from a variety of sources rejects or accepts in whole or in part, and then we live with it.

Mr. HORN. You mean to say you don't even go to the Attorney General before that, or did you have the Attorney General's decision?

Ms. MASTALLI. The Attorney General was, in fact, involved in this in this process.

Mr. HORN. Right. There's a chain of command. We go through the chain of command.

Ms. MASTALLI. This was not an easy decision. I think the people that are being fingered, to a certain extent, here also had to make very hard choices. There are certain administration priorities. As indicated, there is the crime control fund or many of these other assistance programs.

Mr. HORN. Well, in deference to my colleagues, I'm not going to beat this dead horse anymore. But what it sounds like to me is what I've seen in every human organization I've ever been involved with, Federal, State, and local, is that you've got staff people in the central operation that have too much influence on what line officers ought to be doing in the operating organization, and that you're listening to the staff examiners in budget, and wherever, and they are saying, "This is what we don't like, and we've been around here for 30 years, kid, so listen to us."

And you sort of either cave or you don't cave is what the process seems to be to me. I mean, nobody can find fingerprints. We're

hard put to say when the Deputy AG, or Assistant AG, or AG decided it. And it just seems like it evolved, I mean, you know, like it's in the air somewhere.

Well, let me ask you now, you said you're going to need 300 more people to distribute the resources. Now, that's the resources in your office?

Ms. TOWNSEND. Well, it's not; it's in the Department of Justice.

Ms. MASTALLI. Under the proposed legislation, the Attorney General has responsibility for administering it and to use what components and mechanisms she sees fit.

Mr. HORN. Well, OK, where are the resources being spread to administer it? And this type of State assistance, local assistance program, is that focused in your office primarily?

Ms. TOWNSEND. The Office of Justice Programs is the part of the Justice Department that works with localities and States.

Mr. HORN. Right. So is most of the 300 going there, and they're mostly going to be reading grant proposals; is that it?

Ms. TOWNSEND. And giving technical assistance.

Mr. HORN. OK. I understand that.

Ms. TOWNSEND. Yes.

Mr. HORN. What the obvious question is, isn't there a better way to do this, like get back to revenue sharing, where the local people can get the money based on a formula, and the local people that are on top of the problem can make the decision as to how they best use the money?

Ms. TOWNSEND. As you know, that's an issue that is being debated in the crime bill, as to how the dollars will be distributed. There are some people who would like to have it all by formula, in which case, I assume that we wouldn't have as many new employees. And there are others who think that you should target the money to the areas of greatest need.

I think that will be—there are different versions in the House bill; there are different versions in the Senate bill—and that will be worked out.

Mr. HORN. And I understand. Good people can disagree on some of that. But I take it you are now operating the community-based policing grants that are coming out, are you, from Justice? That's your division?

Ms. MASTALLI. We should probably clarify a little bit.

Ms. TOWNSEND. Yes.

Ms. MASTALLI. First, the final decision on precisely how all of the new grants will be handled and managed has not been made. It is hard to make final decisions absent final legislation.

The police hiring supplement, which is the \$150 million program that we were discussing, was in fact managed by a task force. It was such a high priority of the Attorney General that she put together and very personally was involved in a task force that was made up of experts from the Bureau of Justice Assistance, from the National Institute of Justice, and other components of the Department of Justice, because it was a different program from those with which we had previously had experience.

While there are community policing grants run out of OJP currently, this was different. And the Attorney General is committed to using what we have learned over the years with administering

programs in OJP, what we learned in administering the policy hiring supplement program to develop both the most cost effective and, if you will, user-friendly way of assisting States and localities, applying also the National Performance Review guidance and operating within the context of only having essential-to-make-it-work personnel increase involved.

So while there are budget projections on what it might be, and I will note that those projections are not for permanent personnel but for the life of the program, the final decisions have not been made.

Mr. HORN. Yes. Well, I appreciate that, because I'm leading to that. I appreciate the speed with which you operated to get the first round out. I had the pleasure of being with Mayor Riordan, since part of the city of Los Angeles is in my congressional district, in fact, one of the more difficult parts, and I was delighted that the city of Los Angeles was recognized in the first go-around, when we had the conference call with the President.

What concerns me is the second, and we are about to go on the third go-around, are we?

Ms. MASTALLI. The third round is expected in very early spring.

Mr. HORN. Yes. I've got 70 percent of Long Beach, CA, which is the second largest city in Los Angeles County, 450,000 people. They were not recognized at the first. I could understand it, if Los Angeles was recognized. I could not understand why they weren't recognized in the second. They had more damage, more buildings burned to the ground, proportionately, than the city of Los Angeles. But since TV is in the city of Los Angeles, the world thinks everything happened in Los Angeles.

So I would appreciate it if they would take a careful look over there, and that will be my test of the ability of discretionary judgment on grants to the States and cities. A very parochial standard, but it will be my test.

Ms. MASTALLI. An understandable one. If I can make one point, however, in response to that, there will be a number of superb applications from very needy jurisdictions that will not be funded under the \$150-million police hiring supplement. There were 2,700 applications received. There will be a larger dollar amount awarded in the third round. The first round was a substantial portion. The second round was very small. The third will complete the process.

But I think it's indicative of the need, the demand for that program. In fact, the President noted it in one of his speeches. It just demonstrates the need for enactment of the larger crime bill program which will provide \$8.96 billion in funding for police. We're talking about the difference between 2,000 potential officers funded for the police hiring supplement and 100,000 proposed with the larger policing initiative.

So I would encourage you not to be totally dissatisfied if the jurisdictions within your district are not fully funded, but encourage them to apply in the hopefully soon to be implemented larger program.

Mr. HORN. Well, you will probably also have one program you haven't heard about that Mr. Wynn of Maryland and I coauthored. It is in the Defense Authorization Act. The President sent me the pen with which he signed it.

It is to provide that if you're a member of the services leaving involuntarily because of the downsizing due to the cold war, roughly a half-million people, all races, ethnicities, and genders, and join a local police department, either municipality or county sheriff, there will be reimbursement up to \$25,000 the 1st year, \$25,000 spread over the next 2 through 5, out of the defense budget.

Originally, \$50 million was in there, but when the Senate said, "Oh, we can find money everywhere to get the \$100,000," the House decided, "Gee, if they've got all that money, we're desperate, so it's \$15 million in there," with report language that the demonstration project will be in southern California.

Ms. MASTALLI. I hope you will be pleased to know that we have heard about this and have been having discussions with the Defense Department and are preparing to work with them to work out the best way of implementing that initiative.

Mr. HORN. Good. Right. Good. Well, I'm glad to hear it.

The last point is this: As I look at the figures, there seems to be quite a varying passthrough from the States to the localities. Is there any feeling in the Department of Justice, with your experts who have gone over these proposals, as to what the variation is due to?

Ms. MASTALLI. You mean under the Byrne formula grants?

Mr. HORN. Yes.

Ms. TOWNSEND. Jack.

Mr. NADOL. The passthrough is a statutory requirement, and we use the data that we collect, which is the ratio of State expenditures to local expenditures. So the State is required, when they get the formula grant program, to pass through that same proportion to local jurisdictions, at least—excuse me—at least that proportion to local jurisdictions as is now spent locally.

So most police departments are local; most correction facilities are State. So if they spend 20 percent for State law enforcement, they can keep 20 percent; 80 percent would be spent at the local level for law enforcement. In that State, they would pass through 80 percent. Many States exceed that passthrough requirement.

Mr. HORN. So where you have a strong State police operation you might well have less of a passthrough, then.

Mr. NADOL. That's correct.

Mr. HORN. I'm looking at Virginia with 30 percent versus California with a 63 percent passthrough. I was just curious how much discretion is in there by the State.

Mr. NADOL. It all comes from the figures that we collect, based on what is spent at the State level and what is spent at the local level.

Mr. HORN. Well, thank you. I think I understand the process a little better. Thank you very much.

Ms. TOWNSEND. Thank you for your questions.

Mr. CONDIT. Thank you, Mr. Horn.

Mrs. Thurman.

Mrs. THURMAN. Thank you, Mr. Chairman. I apologize for coming late; however, I was at the Old Executive Office Building in a briefing with representatives from the Attorney General's office. I apologize.

I will make this very brief. We certainly have heard from our folks at home about their concerns if this program is disbanded.

They feel like they have accomplished some things, that they have moved forward, that they are on the right track, and then, all of a sudden, like lots of other things, "Gosh, you know, this was a great idea in 1986. We just don't think it's going to be a great idea in 1994."

And here they are moving along, and, you know, they have done statewide planning, they have, really put some effort into this, and then all of a sudden they're being told, "Oops, guess what? It's over." That's the message that I would like you to take back.

When we have programs that work, we ought to make sure that we maintain them. They may not be working from your side of it, but they certainly are working from the point of view of our communities and how to implement it.

The only other thing that I would request is, that you all stay for the rest of this hearing, because the rest of this hearing is going to actually bring you the real-life stories, from those people who have been working on the front line, and have been working in these programs, and not just pushing paper. You are not just reading about it in the newspaper, these are real stories, with real ideas, with real concerns, and real successes. I hope that you will take that time today to listen to what they have to say.

Ms. TOWNSEND. Thank you very much.

Ms. MASTALLI. If I may, as one who has to plead a sick 2-year-old to leave, I assure you that we will request a copy of the full transcript from the committee staff and in fact read it and use what we learn.

Mrs. THURMAN. I hope so, because it really concerns me. When we bring people in from our districts and from around this country, I find a lot of times that the people who need to be listening to the story—we hear it, because we're home in our districts so often—but the people who are making the decisions don't listen to their stories. It's different than just reading about it.

Ms. TOWNSEND. I can also assure you that the Acting Attorney General, Laurie Robinson, has made an enormous effort to reach out to people who benefit or are interested in the criminal justice system. We've had three focus groups of over 60 participants in the last 3 weeks, and we've heard many stories about the Byrne grant and about other things that we can do better.

So we are really, under this administration and the NPR, we are really making a serious and sustained effort to reach out and listen to people who are affected by what we do and who would like us to do a better job.

Mr. CONDIT. Ms. Kennedy Townsend, thank you very much. The three of you have done a fine job for us this morning. You have done a great service to the committee. We have additional questions, and maybe we could submit those to you and get the response to them.

Ms. TOWNSEND. That would be great. Thank you very much.

Mr. CONDIT. Thank you very much.

We will take panel III: Mr. Johnson, Mr. Pagel, Mr. Willborn, Mr. Cahill, Mr. Timmons, and Ms. DaFoe. Would you please stand? I'm sorry. I'm going to ask that we swear you in.

[Witnesses sworn.]

Mr. CONDIT. Thank you very much. I appreciate your patience. I know it has been a long morning. We are just delighted that you are here.

Mr. Pagel, I will start with you.

Mr. Pagel is the director of the Division of Criminal Investigation for the State of Wyoming—or is it Michigan? Where are you from?

Mr. PAGEL. May I interject myself here?

Mr. CONDIT. Both of them want to claim you.

Mr. THOMAS. Let me just welcome Tom Pagel to the panel. He is from Wyoming and is head of our DCI there. There has been a great deal of activity in the teams in Wyoming, and many of the communities have participated. So here is a person who has been on the front line with a peculiar State, a low population State, small towns, small counties.

We are delighted, Tom, that you are here. Thank you for coming.

Mr. PAGEL. Thank you, Congressman.

Mr. THOMAS. You are from Wyoming?

Mr. PAGEL. Yes, sir, I am.

STATEMENT OF THOMAS PAGEL, DIRECTOR, DIVISION OF CRIMINAL INVESTIGATION, STATE OF WYOMING

Mr. PAGEL. Mr. Chairman and members of the subcommittee, I do appreciate the opportunity to address you today, both as the director of the Wyoming Division of Criminal Investigation, and as the current president for the National Alliance of State Drug Enforcement Agencies.

The Byrne program provides States and local governments with the encouragement, with the administrative flexibility, and with the resources to work together to establish and address their criminal justice priorities. I think that's very important. Consequently, each of these funded programs reflects the criminal justice priority that has been identified and targeted for attention by those States, in conjunction with the local officials.

I want to specifically address the negative impact the elimination of the Byrne program would have on the multijurisdictional task forces. Make no mistake about the fact that multijurisdictional task forces are the most vital element of our drug enforcement efforts. The cooperation, the coordination, the effectiveness of the teams has created a synergistic effect, which has led to arrests, convictions, seizures, and forfeitures that we have never before seen.

The procedural barriers and jurisdictional boundaries have been bridged, which have historically hindered this sort of cooperative law enforcement. The task forces have proven to be adaptable to the changing goals, targets, tactics, capabilities, and compositions that are necessary.

Multijurisdictional task forces have made a difference in the fight against illegal drugs. It is true, however, that without these fundings, many of the States, such as our own of Wyoming, would not have these task forces. We simply would not have the ability to.

Wyoming is a rural State, and sometimes there's a misconception that it's only the metropolitan States that have a drug problem. Let me assure you that that is not the case. You cannot divorce your-

self from the problems of the country simply because you're a rural State, the mobility of our criminals today, the interstate system we have, the contacts that are made across the country. As problems change from area to area, whether it be heroin, whether it be methamphetamine, whether it's PCP, whether it methcathinone, every area has its own specific problems.

Prior to the Byrne drug grant, Wyoming had, as I think most rural States did, a very disjointed effort. The State made attempts. Some of the small rural departments would have one man assigned to drug enforcement, or at least on a part-time basis. It was a valiant effort, but in most cases not a particularly successful effort. We had limited success, but we did what we could with what we had.

With the inception of the Byrne grant money, Wyoming communities, law enforcement communities, the chiefs and sheriffs and myself, the various State administrators got together, and there was no doubt that the drug task forces were the way we wanted to go. We knew we had to combine and cooperate our efforts.

We had some small agencies in the State—and you have to understand that in the State of Wyoming, the majority of our police departments are under 10 people, 10 sworn people. So your limitations are tremendous in what you can do in the drug area. Some of our small departments had such a financial problem that they might only be able to contribute \$100 to the effort; others would contribute several thousand. But everybody had a piece of ownership and a pride in ownership in these drug enforcement task forces.

One thing that is particularly unique about Wyoming is the standardization and cooperative effort. I want to go into just a little more detail on that, if I could.

An early decision was made to standardize the operations of the six regional drug enforcement teams, and that covers our entire State, these six teams. All of the drug enforcement teams operate using the same DCI policy and procedure manuals. All use the same report-writing manual and submit their reports to a central repository. All submit criminal intelligence information to this same central repository. All equipment purchases are standardized. All the radios, everything is compatible, everything is standardized. You can imagine the increase in safety and the increase in efficiency by doing this.

But we also, when we put this together, we could appreciate the importance and the difference in addressing regional needs as necessary. So each of these teams has an advisory board of chiefs and sheriffs who determine what the priorities are for their particular region.

Training has also been an important part that was brought to Wyoming through this grant. We now have several drug investigation schools, highway interdiction schools, criminal intelligence schools that are funded through money from the drug grant.

Interdiction along our highways, I-80 being a particularly highly-used interstate for drug transport across the country, we have had tremendous success on highway interdiction efforts, not only taking the drugs off the street, but also having the luxury, I guess, of being a small State and not being totally inundated by the prob-

lem, we have had tremendous success in following these drugs back to their source, as well as to their destination, which has led to arrests and seizures in numerous States.

The trends that we've been able to identify by this centralized system has been a tremendous improvement and increase in our data collection. But something that I don't think I've heard addressed yet today, not to the degree that it should be, is the benefit that the teams have had on our impact on other crimes.

You have to realize that, in the rural areas, these little specialized teams, you know, this is a crack team, and this is a street team, and this is a conspiracy team, we are generalists; we are not specialists in the rural areas. That's very important to remember as you look at the way this affects other crimes.

It is a frequent occurrence for our drug investigations to uncover perpetrators of armed robberies, burglaries, homicides, and other crimes. The weapons that have been taken off the streets from these drug enforcement teams have quadrupled since the inception of this. You cannot separate drug crimes from violent crimes and other crimes. This is such an integrated problem, you cannot say, "I'm going to address this problem, not the other ones." You have to address drugs, because everything else is so closely involved.

The same is true with the gang activity. Even in the State of Wyoming—Denver is 100 miles from our border. Salt Lake City is 80 miles from our border. It is very true that, as the metropolitan areas put pressure on this gang activity and on drug activity, there is no doubt whatsoever that you see it being pushed to the more rural areas. We have seen that time and time again.

I could sit here and quote various statistics to you and the successes that we have had. But I think probably the one area that I'm most proud of, as far as the activities of our team, is the fact that over 90 percent of the departments in our State are still involved in drug enforcement task forces, and this is after 6 years of operation. Now, that shows me that something is working here.

The turf battles have been put aside. The departments rely upon these teams to provide the drug investigations, because coming from small departments like that, you simply cannot do it without this cooperative effort. We are a State with very limited personnel, with limited finances, and with a limited DEA presence, which is only three agents. Again, that's an important point. If the Federal presence is not going to be there, the grant money is even more important to us.

We are a State with limited personnel, limited finances, and limited DEA presence but we are not a State with limited dedication, nor with limited, nor limited cooperation. We have used these funds to build an effective, efficient, and probably even an enviable drug task force network. I cannot overemphasize to you how important the Byrne grant program is, not only to Wyoming, but to all States.

The inherent problems with drug abuse and drug trafficking are too great to ignore. We cannot abandon these efforts and shift all of our attention to new challenges. Efforts and resources to combat violence and gangs should complement drug enforcement efforts, not replace them.

I'm here today, and I am not talking theory with you; I am not talking policy with you; I am talking application. And I'm telling you it is absolutely imperative that this Byrne formula grant be continued.

Thank you.

[The prepared statement Mr. Pagel follows:]

**The Impact of Elimination of the Edward Byrne Memorial State
and Local Law Enforcement Formula Grant Program**

**Prepared remarks by Thomas J. Pagel before the
Information, Justice, Transportation, and Agriculture
Subcommittee of the
Committee on Government Operations**

Mr. Chairman, members of the Subcommittee, I appreciate the opportunity to address you today, both as the Director of the **Wyoming Division of Criminal Investigation (DCI)** and as the President of the **National Alliance of State Drug Enforcement Agencies**.

A broad spectrum of important initiatives currently are being funded under the **Byrne Memorial Grant** program's twenty-one (21) funding purposes. The Byrne program provides states and local governments with the encouragement, administrative flexibility, and resources to work together to establish and address their criminal justice priorities. Consequently, each Byrne funded program reflects a criminal justice priority that has been identified and targeted for attention by individual states, working with local officials. I want to specifically address the **negative impact that elimination of the Byrne grant program would have on Multijurisdictional Drug Enforcement Task Forces**.

Make no mistake about the fact that **Multijurisdictional Drug Enforcement Task Forces** are the most vital element of our drug enforcement efforts. The cooperation, coordination, and effectiveness of these task forces has created a synergistic effect which has lead to arrests, convictions, seizures, and forfeitures never before seen. Procedural barriers and jurisdictional boundaries have been bridged which have historically hindered cooperative law enforcement. These task forces have proven to be adaptable to changing goals, targets, tactics, capabilities, and composition.

The **Bureau of Justice Assistance** funds approximately **1000 task forces annually**. These range from one (1) to as many as sixty-three (63) per state. Over half of the states apply at least **40% of their funds to task forces**. These task forces are responsible for over 86,000 arrests annually. They are also responsible for over **\$100 million dollars in annual asset seizures**.

Assuming the availability of resources and the certainty of funding, law enforcement agencies are not likely to abandon task force efforts that have proven to be so beneficial. Multijurisdictional Task Forces have made a difference in the fight against illegal drugs. It is also true, however, that a significant number of states would not have task forces without BJA funding. Such is the case with my home state of Wyoming.

Wyoming is a beautiful rural state which offers a unique quality of life but it is not immune from the drug problems facing our nation. The vast remoteness of Wyoming that makes it so special to her residents also makes it attractive to drug traffickers who need to hide their criminal activity. The limited number of police officers simply cannot monitor much of this activity. Clandestine methamphetamine labs operate within the state and pose special surveillance problems. Indoor hydroponic marijuana grow operations are difficult to detect and are becoming more popular every day. The close proximity of Denver, Colorado and Salt Lake City, Utah ensure that cocaine and other drugs are readily available. The fact that I-80 traverses the state guarantees that drugs are frequently transported across Wyoming borders.

Prior to the Byrne Formula Grant Program, the drug enforcement effort in Wyoming was disjointed and inconsistent. The Wyoming Division of Criminal Investigation had only six (6) agents assigned to drug enforcement. A few municipal and county agencies also had an officer assigned to drug enforcement on at least a part time basis. There was no centralization of reports or drug intelligence and the mobility of the drug dealers caused problems with coordination. Wyoming had limited success with small time dealers and minimal success with major dealers.

With the passage of the Byrne Formula Grant Program, Governor Mike Sullivan appointed twenty (20) professionals and citizens, with a multi-disciplinary background, to the Governor's Drug and Alcohol Advisory Board. From the very beginning, this board determined that regional drug task forces would be the number one priority of Wyoming's drug enforcement efforts.

Several meetings were held with the Wyoming DCI, the Wyoming Sheriff's Association, and the Wyoming Chief's of Police Association. Budgetary and operational concerns were addressed. The plan that was adopted provides that DCI is responsible for the administration of the grant program and the twenty-five per cent (25%) match would be the responsibility of the DCI and all Sheriff's offices and Police Departments. Some of the smaller agencies only paid one hundred dollars (\$100), while larger departments paid several thousand. The important point was, however, that everyone had pride in participation and a stake in the success.

An early decision was made to standardize the operations of the six Regional Drug Enforcement Teams (DETS), as much as possible. **All DETS** operate using the DCI policies and procedures manual. **All DETS** use the DCI report writing manual and submit their reports to a central repository in Cheyenne. **All DETS** submit criminal intelligence information to Cheyenne where it is maintained in a central repository. **All equipment** purchases, including radios and electronic surveillance equipment, are uniform and compatible. The increased efficiency and improved officer safety, that resulted from this standardization is obvious. While everyone saw the standardization as being extremely important, we also saw the need to address regional differences. Therefore, each region's administrators have the ability to set and change priorities as is necessary.

Training has become an important part of the Byrne grant program. All members of the DETS attend a 40 hour Basic Drug Investigation class which is instructed by personnel from DCI, DEA, the Attorney General's Office, and the U.S. Attorney's Office. A Street Drug Interdiction course is offered on a regional basis and taught to uniformed officers by DET members. A Criminal Intelligence course is also offered regionally and taught by personnel from the DCI Intelligence Section.

The interdiction efforts, along the interstate highways, by the Wyoming Highway Patrol have been particularly successful. After a Patrolman has made the initial stop, DET members are called. They have been very successful in tracing the drugs from their source to their destination. The most notable interdiction case involved two hundred and one (201) kilo's of cocaine which was traced from Columbia, through Mexico to Los Angeles and finally to its destination in Detroit.

Another benefit of the cooperative Regional Drug Enforcement Teams has been the ability to identify drug trends. With the centralized reporting system, we learned that methamphetamine cases have tripled in the past decade. Indoor Marijuana hydroponic grow operations have increased eight fold in just the past five (5) years. The incidence of LSD, primarily with junior high and high school students, is on the increase. Unfortunately, we have also seen the influx of "Crack" cocaine, along with the associated gang related activity.

Another benefit of the Regional Drug Enforcement Teams has been their impact on other crimes. It is a frequent occurrence for our drug investigations to uncover perpetrators of armed robberies, burglaries, homicides, and other crimes. Weapons arrests have quadrupled over the time the DETS have been operational. The DETS have seized over 380 firearms and destroyed many more. You simply cannot separate violent crimes from drug enforcement. You cannot address one and not the other. The same is true with gang activity. All of the gang involvement has been identified through drug investigations. The financial opportunities from drug trafficking are the driving force behind most gang and criminal activity.

We are proud of the accomplishments of our DETS. We have removed over three hundred and fifty (350) kilo's of cocaine, three (3) tons of marijuana, and three hundred and sixty four (364) pounds of methamphetamine from the streets of our state. Over eighty-five (85%) per cent of our investigations deal with sale, cultivation, manufacture, or conspiracy charges. Federal and state prosecutors accept over 92.2% of our investigations for prosecution. Over 96.5% of our defendants either plead or are found guilty.

The fact that we are most proud of, however, is that over 90% of the departments in our state are still involved or participate in DET activities. Turf battles have been put aside and departments rely upon the DETS to provide the drug investigations needed in their jurisdictions.

We are a state with limited personnel, limited finances, and limited DEA

presence (three (3) agents), but we are not a state with limited dedication, limited success, or limited cooperation. We have used the Byrne funds to build an effective, if not enviable, drug task force network.

I cannot over emphasize to you how important the Byrne Formula Grant Program is to not only Wyoming but to all states. The inherent problems with drug abuse and drug trafficking are too great to ignore. We cannot abandon these efforts and shift all of our attention to new challenges. Efforts and resources to combat violence and gangs should complement drug enforcement efforts, not replace them.

It is absolutely imperative that the Byrne Formula Grant Program be continued, if not increased.

Thank you.

Mrs. THURMAN [presiding]. Thank you.

Mr. Johnson, the executive director of Criminal Justice Planning for the State of California, welcome.

STATEMENT OF RAY JOHNSON, EXECUTIVE DIRECTOR, OFFICE OF CRIMINAL JUSTICE PLANNING, STATE OF CALIFORNIA

Mr. JOHNSON. Thank you very much, Madam Chair.

It is indeed a pleasure to be here this morning on behalf of Governor Wilson of California. I am wearing three hats today. May I at least announce all of those hats?

Mrs. THURMAN. Certainly.

Mr. JOHNSON. I am representing the National Governors Association and the National Criminal Justice Administrators, as well. And we all concur that this is a terrible tragedy or travesty, if we are going to eliminate the Byrne fund.

As you know, California—and I won't have to speak for Mr. Horn, he knows, probably better than I, some of the complaints that he receives in his office—but California has been known, over the last few months, as the disaster State. We started off with a drought, riots, fires, earthquakes, not to mention our latest that you might have heard about, the medfly epidemic, and now this disaster, which will top them all, I think.

If this proposal were to end, for California, let me tell you, it would have a devastating impact. In California, we received this last year \$37,704,000 and a few cents. The prior year we received \$44 million. The year prior to that, \$43 million. We are just at the point in California, like many other States, of developing what we think now is the ideal sort of program that has had international, not just impact in California.

Even though the violent crime rate continues with the use of drugs, we know that we have been successful, because had it not been for those moneys, we would really have a horror story to tell.

When we talk about a State with everything, we have it, from the good to the bad. From the Oregon border to the southern California border with Mexico, we now are the transport and transshipment point for illicit drugs in the country replacing Florida. About 70 percent of cocaine comes through our State. One of our major cash crops in California, of course, is marijuana. One of the primary sources of LSD is California, as well as the manufacture and distribution of methamphetamine. Now, that goes, again, from the southern border to the northern border.

When we talk about small States like Arizona and some of the sections of Michigan and Wyoming, we have those same areas in California where we have one or two deputies to patrol 3,000 square miles. What we've done in California, we have required a multicomponent kind of project in all of our counties. We fund every county in California with a baseline amount, so they can have some impact.

What each county will do with the other money that we provide them, based upon the crime index, they are required to call a meeting and determine at the local level how that money will be spent in that county. Oversight is given by our office.

In addition to that—and I'm making this comment because I would really like to rebut a statement that was made by the Attorney General—in addition to that, we hold hearings throughout the State, five hearings throughout all regions in California, to get input, not only from law enforcement, prosecution, the courts, but also input from the citizens.

We let them know—first of all, we give them a history of the program, what we are doing with it, what they would like to see done with it. We explain that there are 21 program areas, and the areas that we are currently using, which are 10. And if they would like to see some other areas used, then they are to express that either there at the hearing or in writing, and we take that into consideration when we submit our annual plan.

Let me say that the people at the Bureau of Justice Assistance, who probably oppose the elimination of the fund—I have not been privy to that information, but I would imagine they would agree with me on that—have worked very closely with those of us in the State of California, and the other States, as well. They know how well it has worked. And I would like to say, they have been very diligent in their duty, in the oversight of how we spend this money. They make sure that we stay to the task of ensuring that the money is spent where there is the greatest need, after there is local input. And at my level I make sure that that is carried out, their wishes are carried out.

We have tried to reach every community, in some way in California, and I think we have, by the process that we have. \$37 million is not a lot of money, but it has stretched a long way, and just getting some consistent type of funding for the past 3 years has enabled us to do a lot of the things that we would like to do.

In terms of upgrading technology, we talk about all the task forces, in most of our projects—we have 39 multijurisdictional task forces, in addition to the nine other program areas we have people working in—we have tried to improve the technology by working not only within California but with the Southwest border States to use some of this money for a project we call SINS, that's the State-wide integrated narcotics system.

The first order, of course, is to make sure that our officers who are working on the street are protected. We talk about the duplication of effort; we have avoided all of that, because one thing that we have established in California is a collaboration and cooperation really unheard of in California, especially since the Olympics. We had a great collaboration during the 1984 Olympics. We have not seen anything like that until all this effort that we put forth in this, because they recognize, if they don't work together, that we are not going to be successful.

With all of the effort, and all of the tons of cocaine and heroin, and all of the money that we have seized in California, we really have only touched the tip of the iceberg. We say, now, when we are in a position to have even more impact, why take it away?

I didn't hear anything earlier today that would convince me that there is something in place that will replace this in a timely fashion, that will give us the opportunity, in the States like California, or in the smaller States, to be able to continue this effort to try to

do something about the drugs and violence that it's creating in all of our States and around this country.

We are leading the Nation in all of the areas that we talked about. If these funds are taken away, and they use the discretionary model, if they use the 100,000 cops on the street, I can tell you, it will not have much if any impact at all. It will not have very much impact on what we are doing in California. He has explained the task force operation. I don't know that I need to go into that. But I can tell you something, we have excellent cooperation from the Federal level.

I will give you one example of how we deal with that in our emerald triangle, in our marijuana suppression project. We have all of the agencies working together—the Federal people, the DEA, and in those where we have government lands, the Bureau of Land Management, Division of Forestry.

All of those moneys now are pooled with the money that we receive from the Byrne fund, and we are now working more efficiently and effectively with that money. We make sure that every dollar that is spent in the emerald triangle, or in any of those other areas now, that it is used for the intended purpose, not just chopping and stacking marijuana. There are arrests, prosecutions, and certainly we seize assets.

We have been able to do some great things, in addition to bringing on the feds, with the money that we have. It has allowed us to expand our marijuana suppression program from 7 counties to 14 counties. And we have, in California, a marijuana problem, an indoor, outdoor growth problem in about 43 counties. So our problem is expanding; it's not decreasing.

My recommendation would be, to the administration, to expand or increase the amount of money that is going to the Byrne fund, not decrease it, and not piddle it away with some of the other programs that I heard about earlier today. We are not arbitrary, as the Attorney General says, in how we deal with those moneys. We take it very seriously. And, yes, I agree with her that we should use the money wisely, and we think that we do.

Are we perfect? No, we're not. But I will tell you this, that we are about as perfect as you can come with the amount of money that we are receiving. And we do pass through, by the way. Mr. Horn, for your information, we're up to now 65 percent passthrough to the locals. We've done that by making some sacrifices in my office, to make sure that we get as much money out to the locals and to the State organizations that are supporting us in the effort as possible.

That will end my testimony. Thank you.

[The prepared statement of Mr. Johnson follows:]

OFFICE OF CRIMINAL JUSTICE PLANNING

OFFICE OF THE DIRECTOR
1130 K STREET, SUITE 300
SACRAMENTO, CA 95814



February 25, 1994

Honorable Gary A. Condit
Member of Congress
B-349-C Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Condit:

I am pleased to have the opportunity to submit testimony on the Byrne Formula Grant Program. I am joined by Governor Wilson in strongly opposing the Administration's proposal to eliminate this program.

In this testimony, I will set forth the value it is to California. There is no one, particularly in law enforcement, who does not agree that prevention and treatment programs represent our best hope for a long-term solution to the drug problem. However, it is important that we do not lose sight of the fact that there is already an existing problem of enormous proportion with drug use and its ancillary violent crime that must be met with tough enforcement measures. The formula grant program, distributed through the Byrne Formula Grant Program, for anti-drug enforcement efforts has been the single most important state allocation of funds that can work to meet this incredible challenge.

California has received funding through the Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program since 1987. For the first three years the funding fluctuated, but since 1990 the amount has been fairly consistent, and we have been able to develop and implement a comprehensive statewide program. (See Appendix A for funding chart.)

Statement of the Problem

Before describing what this program means to communities throughout California, I would like to share with you a few statistics which demonstrate the need for this program.

- As we hear everyday on the television violence continues to occur at alarming proportions throughout the state, particularly among the juvenile population. (See Appendix B.) Records indicate that approximately 75% of the arrests involve drugs. Since 1987 when California first received funds through this program, the total arrests for violent offenses increased by 25.1% for adults and 63.7% for juveniles.

Honorable Gary A. Condit
 February 25, 1994
 Page Two

- Cocaine continues to be the source of the major drug problem in California and across the nation. Approximately 70% of the cocaine entering the United States is directed through southern California.
- In recent years we have seen an increase in the manufacturing of drugs at clandestine labs around the state, particularly in our rural areas. Approximately 80% of the clandestine methamphetamine laboratories seized and dismantled in the United States were located in California. In 1993 600 such labs were discovered in California. The state with the next highest total was Texas with 30. Fifteen were discovered in Oregon.
- Currently, California is the leading producer of marijuana in the nation. It is projected that domestic cultivation of high grade marijuana, particularly the seedless "sinsemilla" variety may account for 50% of the United States' market by 1995.

These are just a few of the problems that California has been able to address through the Byrne Formula Grant Program.

Overview of the Statewide Program

In California there are several aspects of this program which are administered on a statewide basis. These programs are briefly described below.

- Local Assistance Anti-Drug Abuse Program - Since 1990, we have provided funding to each of California's 58 counties through this program. Each county is required to develop a multi-component program that addresses the specific needs of their locale. The three major arms of the criminal justice system -- law enforcement, probation, and prosecution -- must be involved in the process. (See Appendix C.) They have the opportunity to select strategies from 10 of the 21 available federal program purposes. The 10 program purposes being used in California are:

Multi-jurisdictional Task Forces
 Marijuana Suppression
 Special Assignments Prosecution
 Financial Investigations
 Home Detention Program
 Intensive Supervision Program
 Forensic Enhancement Program
 Criminal History Information System
 Early Disposition Program
 Urban Law Enforcement Program

Honorable Gary A. Condit
 February 25, 1994
 Page Three

These 10 program purposes were selected at the state level based upon testimony received by local officials at public hearings held throughout the state. The real value of this program is that the local officials have the option to select those strategies that address the needs in their communities.

- Marijuana Suppression Program - The goals of this program are to develop and implement year-round marijuana law enforcement suppression, and improve prosecution of marijuana cultivators and traffickers. (See Appendix D.) Through this program, counties throughout California have experienced an increase in the number of plants and assets seized, and an increase in the number of arrests and convictions of marijuana cultivators and traffickers.
- Operation Revitalization - This program was designed to incorporate a four-part strategy to rejuvenate a community. These four components are:
 - targeting street drug dealers and users;
 - developing neighborhood or community-oriented policing;
 - providing for intervention, prevention, and treatment services through community-based and after school programs; and
 - initiating reclamation and revitalization of the community through streets and parks clean-up, civil abatement procedures, employment training/placement partnerships for youth in the targeted area and enhanced concessions for area business owners.
- Live Scan - This program provides funds to local county jails for the acquisition and implementation of live scan terminals for the purpose of obtaining fingerprints electronically. It began in 1993 and will ultimately result in a reduction of staff hours at the booking site; serve to increase the completeness, accuracy and timeliness of criminal history information; assist in the establishment of standardized reporting methods; and allow rapid processing and availability of information to all criminal justice agencies.
- Project LEAD (Leadership, Esteem, Ability, and Discipline) - This is a highly structured boot camp style treatment program being implemented by the California Youth Authority. It provides leadership training, esteem building and discipline for youthful offenders and is designed to improve the chemically abusive or addictive personality of offenders. It is designed to provide 10 months of specialized treatment, including a four-month residential program providing intensive training and discipline followed by a six-month highly intensive parole program. The program participants are

Honorable Gary A. Condit
 February 25, 1994
 Page Four

non-violent offenders or parole violators, and must volunteer. It is in the beginning stages of a three-year evaluation program; therefore, recidivism statistics are not available. It appears to be well received by the offenders, program staff and the public.

- CYA Parole Substance Abuse Project - This project targets three parole offices in central and northern Los Angeles County. Parolees in the program receive intensive supervision involving drug testing, counseling, job placement and frequent personal contacts by parole officers. The goal is to reduce the recidivism rate of parolees largely through the provision of drug treatment.
- Amity Rightturn Program - This program funds a parole outpatient treatment program for drug offenders who graduated from the Amity Rightturn Program at R.J. Donovan Correctional Facility. It has proven successful in breaking the cycle of recidivism by reducing the parolees' potential to return to a substance abusing lifestyle. Preliminary studies indicate that the recidivism rate for parolees in this project is 8% compared to 37% for the general prison population.
- Field Office Augmentation - Funds are provided to the California Department of Justice, Bureau of Narcotic Enforcement, to assist them in providing leadership with other law enforcement agencies in California to attack the drug problem. A total of 44 positions are funded to help combat intra-state drug trafficking and to coordinate local agency efforts.
- Crackdown - This program also provides funds to the California Department of Justice, Bureau of Narcotic Enforcement. These funds allow for 35 full-time positions plus overtime to local law enforcement agencies in major population areas of the state where cocaine is a severe problem. The program targets Columbian cocaine cartels and street gangs engaged in cocaine trafficking.

Program Successes

There have been countless successes over the years as a result of the Byrne Formula Grant Program, and it would be impossible to identify all of them. Therefore, I would like to present just a few statewide statistics which demonstrate the overall positive impact this program has had on California. These numbers also provide insight into the extent of the drug problem in California.

Honorable Gary A. Condit
 February 25, 1994
 Page Five

- In California from 1990-92, 58,259 pounds of cocaine were seized. In Orange County alone during 1992, there was a reported seizure of over one ton of cocaine.
- Between 1990 and 1992, 28.2 kilos of heroin were seized, with a street value of \$2,115,000.
- Between 1990 and 1992, 2,754 kilos of methamphetamine were seized, with a street value of \$61,965,000.
- There was a 91.29% increase in new felony drug cases filed between 1985 and 1992.
- Between 1990 and 1992, the total street value of cocaine, heroin, methamphetamine and marijuana seized was \$424,710,600.
- The program goal of removing drug criminals from the street was realized by an increase of 109% in the average sentence length, and an increase of 18% in the adult felony drug convictions from 1988 to 1992.
- The total value of assets seized in 1992 was \$15,808,716, compared to \$12,851,648 in 1990.
- The total value of assets forfeited in 1992 was \$12,179,838, compared to \$2,317,410 in 1990.

Local Highlights

As indicated earlier, this program reaches each of California's 58 counties. I know that every county can point to specific highlights. In this testimony, I would like to address just a few of these local successes. Please keep in mind that these stories are representative of activities going on throughout the state.

- Los Angeles County - Several successful projects are operating in Los Angeles County. One of them, the Early Disposition Project, teams the offices of the district attorney, public defender and the probation officer to attain the maximum number of felony dispositions at the earliest stage of the criminal court process. As a result of these efforts, the project saved the County of Los Angeles over \$50,000,000 in reduced court costs since 1990.

Another successful project in Los Angeles County is the Focused Attack Lining Community Organizations and Neighborhoods (FALCON). This is a civil abatement program involving the police department and the city

Honorable Gary A. Condit
 February 25, 1994
 Page Six

attorney's office. Together they use an innovative and comprehensive approach to diminish narcotics activity in the community through a coordinated effort by law enforcement, prosecution, regulatory and service agencies. These agencies work closely with property owners and community groups to eliminate the criminal nuisance and to address other factors which create an environment for crime. During the 1992/93 State Fiscal Year, 705 abatement procedures were initiated with 76 properties successful revitalized.

- Marin County - During the 1992/93 State Fiscal Year, Marin County received \$199,450. With this grant the county funded the Coordination of Probation Enforcement (COPE) team. During the year the team was involved in a case involving a youth who sold three grams of cocaine to an undercover officer for \$140.00. They ultimately found two small plastic bags under the dashboard of the car driven by the youth. At the home of the youth's sister, the team found 90 plastic bags of cocaine, packaged at 1/2 gram each. The sister and another individual were taken into custody on suspicion of possessing cocaine for sale. Both were on probation for an earlier drug conviction. Since the beginning of the grant program in 1990, the team has made over 630 probation searches and over 250 arrests.
- Merced County - The population of the county has increased 10% in the last three years. During that same time, the drug-related cases referred to the district attorney's office for prosecution increased by almost 200%, as a result of arrests made by the law enforcement task force.
- Mendocino County - This county, located in the "emerald triangle," California's most dense marijuana growing region, established a local multi-jurisdictional coordination with state and federal agencies to eradicate and suppress marijuana cultivation and distribution. In State Fiscal Year 1992/93, this project eradicated 314 marijuana growth sites; confiscated 53,016 plants and 94 illegal weapons; made 55 arrests with 43 convictions for cultivation; and seized \$546,521 in cash and property.
- San Diego County - San Diego County has developed a model multi-jurisdictional task force involving law enforcement, probation and prosecution. Jurisdictions Unified for Drug Gang Enforcement (JUDGE) has a very high success rate for targeting, investigating and prosecuting drug offenders. For example, during State Fiscal Year 1992/93 the JUDGE unit was responsible for the prosecution of 684 individuals with a 96% conviction rate.

Honorable Gary A. Condit
 February 25, 1994
 Page Seven

- San Francisco City and County - San Francisco was the site of the first project of Operation Revitalization. During the first full year of operation, the project saw a 19% drop in the overall crime rate in the target area. Assaults, burglary, larceny and motor vehicle thefts have all decreased dramatically.
- Sonoma County - The grant in Sonoma County has helped the law enforcement agencies to address the significant marijuana cultivation problem and the use and trafficking of methamphetamine. During the last three years, there was a 600% increase in the number of narcotic investigations conducted, a 100% increase in the number of narcotic search warrants served, a 137% increase in the number of narcotic offenders arrested, and a 500% increase in the number of clandestine drug labs seized.
- Stanislaus County - The grant in Stanislaus County has assisted both law enforcement officials and prosecutors to address the problems with marijuana and cocaine, the top two drugs of choice in the county. For example, in 1992 the law enforcement task force arrested 400 individuals and seized \$2,000,000 worth of assets. The district attorney's office prosecuted 300 offenders, achieved incarceration sentencing of 70%, and a conviction rate of 87%. This significantly reduced the number of criminals on the streets of Stanislaus County.
- Trinity County - Another rural county located in the "emerald triangle," Trinity County has used its grant to target the marijuana problem. Between 1988 and 1992, approximately 40,000 marijuana plants were eradicated. Over 100 suspects were arrested and convicted, and leads were developed on an additional 150 suspects. These numbers have considerable impact when you realize that the total population of Trinity County is 15,000.

Conclusion

Through this program, jurisdictions throughout California have been able to make significant progress in their struggle to reduce drug use, production, and trafficking, and drug-related violence. Despite their efforts, drug problems continue in California. Those of us who are closely involved in this program know that the drug problem would have escalated even more without this program. The fact remains that we have taken criminals off the streets, and we have put countless drug offenders behind bars.

Honorable Gary A. Condit
February 25, 1994
Page Eight

I strongly believe that the Byrne Formula Grant Program should be expanded, not eliminated. I recognize that other programs are proposed in place of the Byrne Program, but this program is tried and true. It requires us to change our strategies to address the changing needs of the state, but the efficient administrative structure remains in place. If we were to change programs entirely we would lose the continuity which we have build over the last seven years. These funds are vital to our ability to restore a sense of peace and security to all of California's residents and visitors alike.

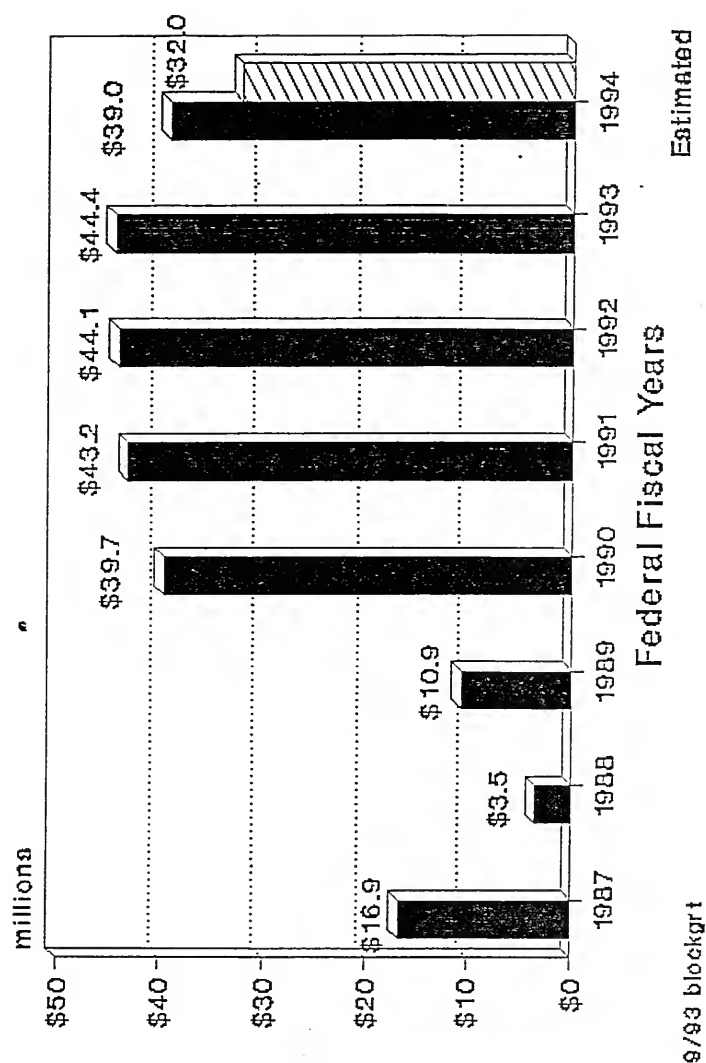
Again, thank you for this opportunity to testify on this important issue. I will be available to answer any questions you may have while I am in Washington or upon return to my office. I can be reached at (916) 324-9140.

Sincerely,

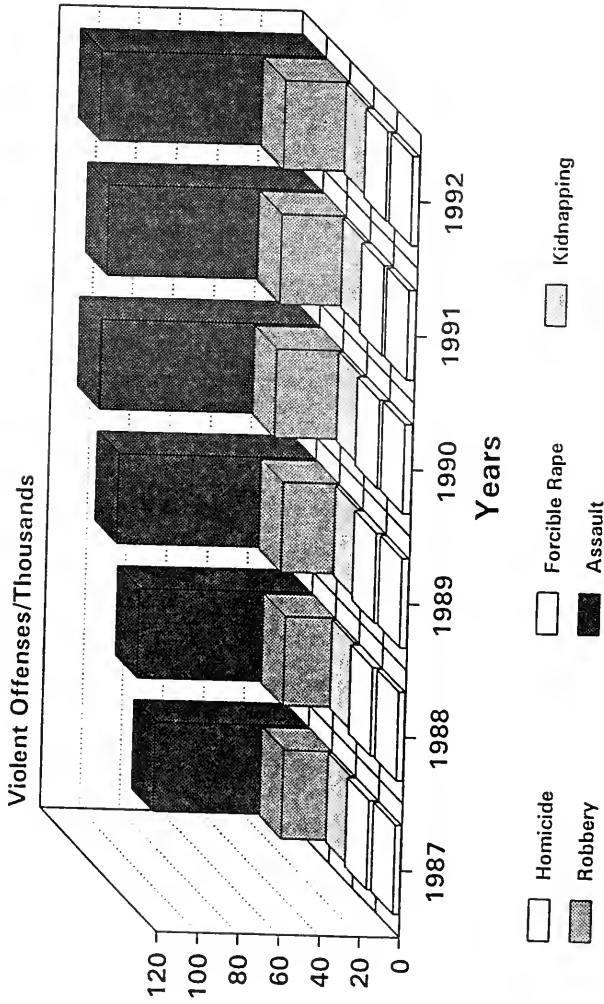


RAY JOHNSON
Executive Director

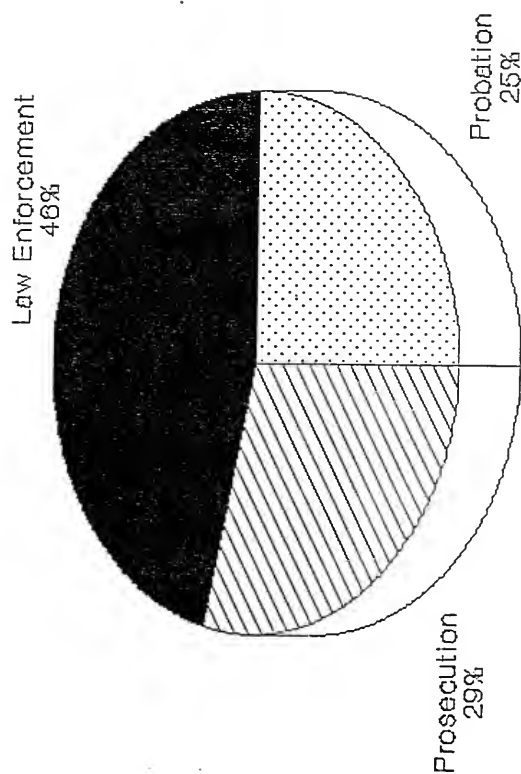
Anti-Drug Abuse Program History of Federal Formula Block Grants



California's Anti-Drug Abuse Program Violent Offenses

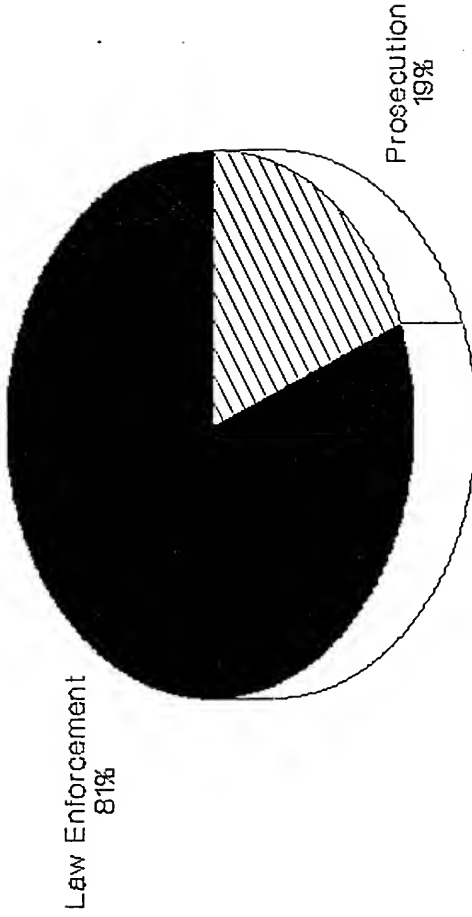


Anti-Drug Abuse Program Funding Percentage By Component



APPENDIX D

Marijuana Suppression Program Funding Percentage By Component



Mrs. THURMAN. Thank you, Mr. Johnson.
 Mr. Willborn, director of the Texas Narcotics Control Program, welcome.

STATEMENT OF JAMES WILLBORN, DIRECTOR, TEXAS NARCOTICS CONTROL PROGRAM

Mr. WILLBORN. Thank you, Madam Chair.

Mrs. THURMAN. Do you have more hats?

Mr. WILLBORN. Ma'am?

Mrs. THURMAN. Do you have any other hats?

Mr. WILLBORN. I've probably got a lot of old hats that I could wear. We've got so much that we represent. But what I've got to tell you is that these old hats that we've got are kind of perforated, they've been shot at so many times.

Madam Chair, members of the committee, my name is Jimmy Willborn. I'm the director of the Texas Narcotics Control Program. We're out of the Criminal Justice Division of Governor Ann Richards' office.

For the record, I would like to submit the testimony of the Honorable Ann W. Richards, Governor of Texas, a map of the impact areas of the Texas Narcotics Control Program, and written testimony of Mr. Hank Webb, the Texas representative to operation alliance and our coordinator for the Texas high-intensity drug trafficking areas.

I'm going to deviate from this for just a moment and read something to you that comes from something that we received in our office the other day. It's the national drug control strategy. It says, "Reclaiming our communities from drugs and violence."

On page 9, it states,

With respect to the supply of drugs on the streets, law enforcement agencies, including at the international level, have achieved record seizures of illicit drugs. However, the available drug supply is still sufficient to satisfy the needs of the existing drug-using population. Further reductions in illicit drug availability are essential, if the demand reduction efforts, particularly against hard core use, are to prove effective and not be overcome by a cheap and plentiful supply of illicit drugs.

Now that, I think, comes from our administration. My name is in there, by the way. It's misspelled, but nevertheless it's in there.

We have tried very hard in Texas to do a job that I believe Congress wanted us to do. Our original task forces were poorly equipped and had limited experience and training. There were few established working relationships with other drug enforcement agencies. Many of our task forces were in rural counties which had little or no narcotics enforcement at the State and local level. Many times in our counties we're doing good to have a 24-hour officer in many of the counties.

Texas is a big place. We've got 254 counties, and most of them are rural. We've got 3 of the largest cities in the country, in the top 10, in Houston, in Dallas, in San Antonio. However, that's just small portions. You're talking about a lot of rural Texas.

Whenever we have put the squeeze on the drug dealers, they have moved out to the countryside, and we've got lots of countryside without people for a long, long way. And these people were able to cook their methamphetamine and do a lot of other damage, and prepare themselves, and house these drugs, and transship

them with a lot of ease, because we did not have the people that were out there that knew anything about narcotics.

We have that with the drug task forces. We cover 220 of the counties with our drug task forces now.

We've worked diligently to train and obtain modern equipment for our officers while building working partnerships with all other law enforcement agencies. We've had some tremendous seizures of drugs. As a matter of fact, just the other day I think we got 8,000 pounds of marijuana. If California is doing greater than that, they've got a problem that's worse than ours.

One of the things that I think is extremely important, that you need to be aware of, is that we have 1,248 miles of the Mexican border, of the United States border with Mexico is Texas, and it is extremely difficult for us to man that entire area. On top of this, we've got 660 miles of coastline.

What we do with our multijurisdictional task forces is put our finest police officers in them for this war on drugs. These drugs are destined for shipment to Iowa, Kansas, Missouri, Nebraska, and a lot of other States. All these are seized in Texas; they weren't meant for Texas, but they are seized there, and they are never allowed to arrive and poison the young people of America.

Consistent with our multiagency and multijurisdictional task forces, we have enhanced prosecution teams. We've created drug impact courts. We've improved our criminal justice information systems. We've implemented drug prevention programs through our task forces.

I wanted to tell you just a moment about El Paso, TX. They are going to start using their schools as community centers, to be open till 10 p.m., so that we can have something for our kids to do. Libraries that are open, gymnasiums that are going to be open. Some of this has been able to be accomplished by our drug task forces. It is because of them that we've moved in this direction. Sheriff Leo Samaniego is the sheriff in El Paso County, and he has been a real force in trying to get this done in that area.

Each of our task forces is controlled by a local board of directors composed of sheriffs, chiefs of police, and other agency heads. These boards represent the different communities that are involved in this. They determine the priorities and focus on enforcement issues which have the greatest impact on that community.

Community policing is not new to us. We hear it so much today that it is almost nauseating. But community policing is something that we have done for many, many years; it isn't something that is new to us. Our officers have performed admirably, many times making the supreme sacrifice in an effort to seize these large quantities of drugs.

We lost a young officer in the Houston area in December. He had a vest on. Today, we have one in Dallas who is paralyzed from his chest down for the rest of his life. He was wearing a vest, also, making an entry. These people have given you everything that they have got. I say given "you," they've given their communities everything that they have, in order to stop these individuals who have become rich through trafficking in narcotics at the expense of all Americans.

If we abandon the Edward Byrne Memorial Block Grant, most of our task forces will be eliminated in Texas, I can guarantee you that, probably 95 percent of them. And we're talking about some people not doing a good job, people doing a great job. Coupled with the reduction of the Federal initiatives and the reduction of the Federal officers, our ability to stem the flow of illegal drugs will cease. We will return to the isolated agency drug enforcement that we had before, and our rural areas will no longer have any protection.

I heard something earlier that was mentioned that said that our task forces didn't work with and share information with Federal agencies. That's not true. Three of my drug task forces are headed up by Drug Enforcement Agency agents. We have people all over the State. We work together with the U.S. Customs Service, with the FBI. We've got people from the Internal Revenue Service. We've got them from every possible Federal agency working within our task forces to do the job that I think Congress wanted us to do.

As far as overlap and overtime and money that is being wasted, it's not true. It just doesn't happen with our task forces. An earlier question was asked, if our task forces would be able to qualify for this money. I already called, and I was told no.

We need your help; we need it badly. I think the people of this country are depending on what our people do in our task forces, and we're depending upon your help in order to for us to be able to continue.

Thank you.

[The prepared statement of Mr. Willborn and the material referred to follow:]

TESTIMONY OF MR. JIMMY WILLBORN, DIRECTOR OF THE
TEXAS NARCOTICS CONTROL PROGRAM
FOR THE
GOVERNMENT OPERATIONS SUBCOMMITTEE ON INFORMATION, JUSTICE,
TRANSPORTATION, AND AGRICULTURE

MARCH 2, 1994

THE EDWARD BYRNE MEMORIAL BLOCK GRANT FUNDS

Mr. Chairman, Members of the Committee, my name is Jimmy Willborn. I am the Director of the Texas Narcotics Control Program of the Criminal Justice Division for Governor Ann Richards. For the Record, I would like to submit the testimony of the Honorable Ann W. Richards, the Governor of Texas, a map of the areas of impact of the Texas Narcotics Control Program, and written testimony of Mr. Hank Webb, Texas Representative to Operation Alliance and the Coordinator for the Texas High Intensity Drug Trafficking Areas.

The Texas Narcotics Control Program was established in late 1987 through the Bureau of Justice Assistance formula grant funding under the Edward Byrne Block Grant Program. Our original taskforces were poorly equipped and had limited experience and training. There were few established working relationships with other drug enforcement agencies. Many of our task forces were in rural counties which had little or no narcotics enforcement at the state and local level.

We worked diligently to train and obtain modern equipment for our officers while building working partnerships with all other law enforcement agencies. Our accomplishments began with large drug seizures, the apprehension of prominent drug dealers, the establishment of close relationships with other established drug enforcement agencies in Texas.

The performance of the Texas Narcotics Control Program task forces has been outstanding. Texas has been cited as a successful example of the task force concept. We have been commended for our achievements both collectively and individually by officials of the Departments of Justice and Treasury and the Office of National Drug Control Policy.

In addition to drug dealers, our officers arrest other felons who constitute threats to public safety. Governor Ann W. Richards recently initiated her "Violent Fugitive Taskforce," which involves our task forces locating and arresting thousands of fugitives who constitute a direct threat to the communities in which they reside. Many of those offenders are 8 to 12 time losers.

Texas makes up 1248 miles of the United States border with Mexico and has 660 miles of coastline. Because of the importance of our multijurisdictional task forces, our finest police officers are part of the "War on Drugs." These drugs, destined for shipment to Iowa, Kansas, Missouri, Nebraska, and other states, are seized in Texas and are never allowed to arrive elsewhere to poison the young people of America.

Consistent with our multi-agency, multijurisdictional task forces, we have enhanced prosecution teams, established ten drug impact courts, improved our criminal justice information systems, and participated drug prevention programs such as D.A.R.E. and Police Explorer Scout Posts.

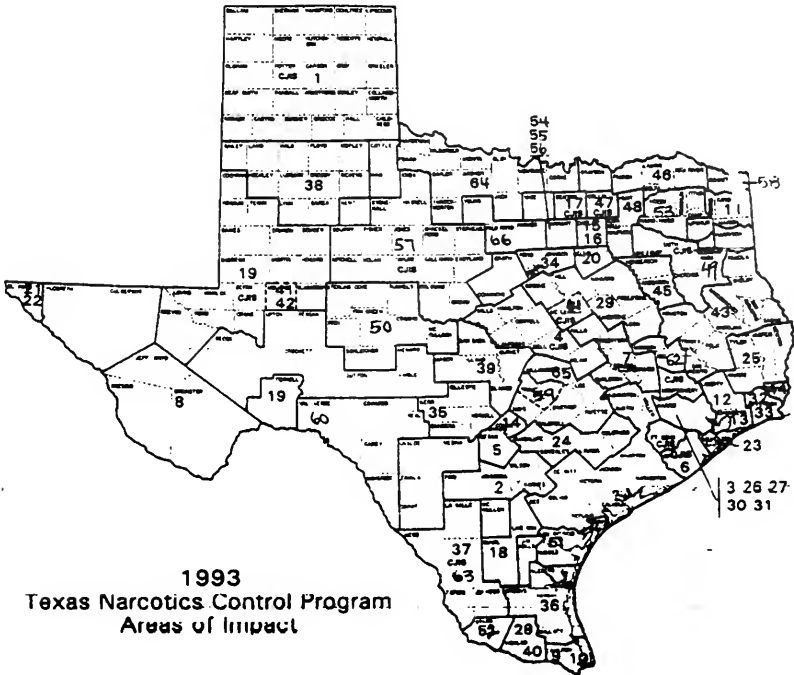
Each of our task forces is controlled by a board of directors composed of sheriffs, chiefs of police and other agency heads participating in the taskforce. These Boards, representing the different communities, determine priorities for the task forces and focus on enforcement issues which have the greatest impact.

Our officers have performed admirably many times making the supreme sacrifice in an effort to seize huge quantities of drugs, hundreds of illegal weapons and other firearms, and arrest

individuals who have become rich, at the expense of all Americans, through trafficking in narcotics.

If we are abandoned and the Edward Byrne Memorial Block Grant is not funded, most of our task forces will be eliminated. The supply of drugs will increase everywhere. Coupled with a reduction in federal initiatives and officers, our ability to stem the flow of illegal drugs will cease. We will return to isolated agency drug enforcement. Rural areas will no longer have any drug enforcement.

There is not a more important law enforcement program funded than the Edward Byrne Memorial Block Grant Program.



1993 Texas Narcotics Control Projects Area of Impact

1993 Texas Narcotics Control Program Projects

1. Amarillo, City of
"Panhandle Regional Narcotics Task Force"
2. Amarosa County
"Detection & Prosecution of Drug Traffickers"
3. Baytown, City of
"Harris County Organized Crime & Narcotics Task Force"
4. Bell County
"Central Texas Narcotics Task Force"
5. Bexar County
"Adjudication of Drug Offenders"
6. Brazoria County
"Special Investigative Unit"
7. Brazos County
"Narcotics Trafficking Task Force"
8. Brewster County
"Big Bend Tri-County Narcotics Task Force"
9. Cameron County
"Adjudication of Drug Offenders"
10. Cameron County
"Drug Enforcement Task Force"
11. Cass County
"Ark-La-Tex Narcotics Task Force"
12. Chambers County
"Narcotics Prosecution Unit"
13. Chambers County
"Narcotics Trafficking Task Force"
14. Cochise County
"Ark-La-Tex Narcotics Task Force"
15. Dallas, City of
"N.I.C.J.I.T.T.I.M.E. Task Force"
16. Dallas County
"Adjudication of Drug Offenders & Asset Forfeiture"
17. Deaton County
"Narcotics Task Force"
18. Duval County
"Central South Texas Narcotics Task Force"
19. Ector County
"Devonian Basin Narcotics Control Program"
20. Ellis County
"Law Enforcement Task Force"
21. El Paso County
"West Texas Impact Court"
22. El Paso County
"El Paso County Motor Narcotics Task Force"
23. Galveston County
"Narcotics Task Force"
24. Guadalupe County
"25th Judicial District Narcotics Task Force"
25. Hardin County
"Southeast Texas Narcotics & Intelligence Task Force"
26. Harris County
"Expedited Drug Case Management Program"
27. Harris County
"Prosecution of Drug Offenders"
28. Hidalgo County
"Narcotics District Court"
29. Hill County
"Agriplex Roundhouses"
30. Houston, City of
"Hot Spot Zero-Tolerance Program"
31. Houston, City of
"Drug Detection Canine Unit"
32. Jefferson County
"Narcotics Task Force"
33. Jefferson County
"Drug Impact Court"
34. Johnson County
"S.T.O.P. the Offenders Program"
35. Kerrville, City of
"216th Judicial District Narcotics Task Force"
36. Kleberg County
"South Texas Specialized Crime & Narcotics Task Force"
37. Laredo, City of
"Narcotics Trafficking Task Force"
38. Lubbock, City of
"South Plains Regional Narcotics Task Force"
39. Marble Falls, City of
"3rd Judicial District Narcotics Enforcement Team"
40. McAllen, City of
"Narcotics Trafficking Task Force"
41. Midland County
"Drug Prosecution Unit"
42. Midland County
"Substance Abuse Identification Project"
43. New York County
"Deep East Texas Regional Narcotics Task Force"
44. Orange, City of
"Special Drug Enforcement Unit"
45. Palestine, City of
"Anderson-Henderson Drug Investigation Unit"
46. Pecos, City of
"Regional Controlled Substance Apprehension Unit"
47. Plano, City of
"Collin Area Narcotics Task Force"
48. Rockwall, City of
"Northeast Area Drug Interdiction Task Force"
49. Kusk County
"Tri-County Narcotics Task Force"
50. San Angelo, City of
"Rio Grande Multi-Agency Drug Enforcement Task Force"
51. San Patricio County
"Tri-County Narcotics Task Force"
52. Starr County
"Multi-Agency Narcotics Task Force"
53. Tarrant County
"TNT (Tactical Narcotics Team)"
54. Tarrant County
"Enhanced Drug Prosecution & Asset Forfeiture"
55. Tarrant County
"Narcotics & Intelligence Coordination Unit"
56. Tarrant County Junior College
"Narcotics Detention Free Team Project"
57. Taylor County
"West Central Texas Interlocal Crime Task Force"
58. Tarrant County, City of
"Bio-State Narcotics Task Force"
59. Travis County
"Narcotics Prosecution Unit"
60. Val Verde County
"Amistad Area Narcotics Task Force"
61. Waco, City of
"Neighborhood Narcotics Enforcement Unit"
62. Walker County
"Central East Texas Narcotics Task Force"
63. Webb County
"Drug Impact Court"
64. Wichita Falls, City of
"North Texas Regional Narcotics Task Force"
65. Williamson County
"Capital Area Regional Narcotics Task Force"
66. Young County
"Cross Timbers Narcotics Task Force"
67. "Adjutant General's Department
"Special Law Enforcement Units & Programs"
68. "Criminal Justice Policy Council
"Drug Abuse Data Collection & Analysis"
69. "Texas Department of Public Safety
"Expanded Crime Laboratory Services"
70. "Texas Department of Public Safety
"Automated Fingerprint Identification System"
71. "Texas Attorney General
"Asset Forfeiture & Money Laundering Task Force"

14 Criminal Justice Information Systems Grants will impact the following counties:
Bell, Brazoria, Brazos, Collin, Denton, Ector, Fort Bend, Galveston, Gregg, McLennan, Montgomery, Potter, Taylor, and Webb.

* *Statewide Impact*



STATE OF TEXAS
OFFICE OF THE GOVERNOR
AUSTIN, TEXAS 78711

ANN W. RICHARDS
GOVERNOR

TESTIMONY OF THE HONORABLE ANN W. RICHARDS
FOR THE
GOVERNMENT OPERATIONS' SUBCOMMITTEE ON INFORMATION, JUSTICE,
TRANSPORTATION, AND AGRICULTURE

MARCH 2, 1994

THE EDWARD BYRNE MEMORIAL BLOCK GRANT FUNDS

Mr. Chairman and Members of the Subcommittee, thank you for allowing me the opportunity to submit testimony.

The Edward Byrne Memorial Block Grant is the most sensible, and the only federal program to help states fight crime. The 1995 budget eliminates funding for this block grant program and this program must be maintained.

Let me tell you how we use the Edward Byrne funds in Texas. Because of this money, the Texas Narcotics Control Program has been able to fund Multijurisdictional Drug Task Forces and violent crime investigations that have been responsible for the arrests of over 70,000 drug violators, the confiscation of over \$2 billion in illegal drugs, and the forfeiture of more than \$100 million in assets belonging to drug offenders.

Texas' more than 1248 miles along the United States' border with Mexico offers drug traffickers vast opportunities to move narcotics into the U.S. The federal government has recognized Texas

as part of the Southwest High Intensity Drug Trafficking Area and the city of Houston as a separate High Intensity Drug Trafficking Area. Because of the border and the international port in Houston, drug interdiction efforts are the primary focus for the use of the Edward Byrne Block Grant funds. The Texas Narcotics Control program supports 50 multijurisdictional narcotics task forces covering 220 of 254 counties.

Losing the Edward Byrne Block Grant funds would not only severely damage our state and local efforts to combat drugs in Texas, it will also affect national drug interdiction efforts. Every step must be taken to decrease the demand for illegal drugs. But the United States cannot afford, especially in Texas, to sacrifice interdiction efforts.

Edward Byrne funds have created ten drug courts and several special prosecution units around the state and provides personnel training to speed drug prosecution and relieve the burden on other local courts. In addition, Texas uses these funds to support twelve drug analysis laboratories. We have also computerized criminal history records and automated fingerprinting systems for information sharing between state and local law enforcement. We created an evaluation mechanism to measure the effectiveness of the use of the funds and can demonstrate that this program works.

The block grant directly funds over 600 full time law enforcement officers and 75 visiting judges, prosecutors, and court support personnel. Most recently, the Multijurisdictional Drug Task Forces have taken on additional responsibilities in the "Texas Most Watched Program," in which officers closely monitor violent criminals released on parole.

It is unrealistic for the federal government to expect success by using one model of an anti-crime program to combat violent and nonviolent crime in both rural and urban areas. A "one-size-fits-all" approach to crime won't work. In Texas, we pass 92 percent of our block grant funds

directly to local agencies, 30 percent more than required so that each local area has the funding to fit their particular situation.

The majority of rural counties in Texas are protected solely by local law enforcement agencies with few personnel and limited equipment. Local agencies are unable to provide 24-hour protection, much less special drug-control units. These rural areas depend on Byrne grant resources. As a result, police chiefs and task force investigators throughout the state have mobilized an effort to educate lawmakers on the importance of preserving these funds.

Police Chief Andrew Burt, from Haltom City, Texas, says that "many agencies receive little or no monetary support for narcotics investigations. These task forces are a cooperative, coordinated effort to provide communities (regardless of their size or wealth) the highest level of investigation and prosecution effort possible."

Edward Byrne Block Grant funds also support programs which address the root causes of drug problems. In El Paso, Texas, the officers and support personnel of the West Texas Multi-County Narcotics Task Force participate in many community programs in addition to targeting the transport of drugs. These officers contribute to their communities by giving lectures at P.T.A. meetings, speaking to parents of at-risk students, coaching young people in sports, distributing food, clothing, and blankets, financing a peer counseling program, and through the El Paso County Sheriff's Department Explorer Post -- a program which allows students to learn the fundamental concepts of police work.

This drug task force, like those throughout Texas, functions as a tool to interdict illegal drugs, and as a weapon in drug prevention, education, and intervention. Their participation in Drug Abuse Resistance Education (D.A.R.E.) Programs and other prevention programs develop strong partnerships between law enforcement, education, and social service agencies.

From elected officials to social workers, there is widespread agreement that drugs are the greatest factor contributing to our nation's crime rate. In the words of Houston Police Chief Sam Nuchia, "the return on this investment is great, because illegal drugs provide the impetus for almost every type of crime." Do not end a program that law enforcement officials, the foot soldiers in the "War on Drugs," support, depend upon and know to be effective.

I urge you to maintain funding for the Edward Byrne Memorial Block grant program.

TESTIMONY OF MR. HANK WEBB, TEXAS STATE REPRESENTATIVE TO
OPERATION ALLIANCE, THE NARCOTICS COORDINATION CENTER FOR THE
SOUTHWEST BORDER
PREPARED FOR THE HOUSE COMMITTEE ON GOVERNMENT OPERATIONS
SUBCOMMITTEE FOR INFORMATION, JUSTICE, TRANSPORTATION, AND
AGRICULTURE

March 2, 1994

Mr. Chairman, members of the Subcommittee, thank you for allowing me to submit testimony today.

I have been involved in law enforcement since 1960. My service includes two years as a U.S. Border Patrolman, twenty five years as a Special Agent of the FBI, two years as a supervisor in a state and local drug task force, and almost four years as the Texas Representative in Operation Alliance. I am also the Texas state coordinator for the High Intensity Drug Trafficking Area, (HIDTA) program. Each of the other Border states, California, Arizona, and New Mexico have representatives at Operation Alliance. I have discussed the text of my presentation with each of them and they concur with everything which I report to you.

Fifteen of my law enforcement years have been spent in narcotics enforcement on the Southwest border. My experience has taught me that narcotics enforcement is truly different from other law enforcement areas. Victims do not report the crimes and there few crime scenes to investigate. Officers must have specialized training and be able to operate sophisticated technical equipment. Informant utilization and covert undercover operations are essential, especially in the more complicated cases.

In the Border states, we seize large quantities of drugs on a regular basis. Last week, one of our task forces and DEA agents seized over eight thousand pounds of marijuana in a single case. Our El Paso, Texas task force has seized almost four thousand pounds of marijuana in

the past seven weeks. The large seizures which we make have already entered the country and are in-transit to major cities in the interior. The El Paso area is a major "Drug smuggling corridor" which leads to the East Coast, the Mid-west, and to the Southeastern United States. Only a small percentage of the drugs we seize on the Border are destined for our own states.

During the past six years, our Border task forces have developed working partnerships with the Federal agencies as well as with task forces in other states in the interior. Merely seizing a large quantity of drugs does little to disrupt or slow the operation of a smuggling organization. Only by conducting extensive, post-seizure investigations are we able to slow or disrupt the process.

A priority of our National HIDTA strategy is to identify, disrupt, and dismantle major smuggling organizations operating along our border. This can not be done by the "Cop on the beat". Once a major drug seizure has been made, a thorough, in-depth investigation must be conducted to identify and prosecute the individuals who actually own and manage the shipments. Our task forces have demonstrated the ability to handle these investigations.

Texas Governor Ann Richards stated recently in a letter to Texas law enforcement officers. "Last week while in Washington to meet with the Nation's Governors, I spoke to President Clinton. I told him of my support for putting more police officers on the street but that it should not be done at the expense of the drug task forces." The "Cop on the beat" can make the streets safer and arrest drug users and street level dealers. However, he or she cannot have an impact on major drug suppliers. To do this, requires the cooperative efforts of specially trained officers working in concert with many agencies.

For six years we have struggled to build a border-wide network of narcotics enforcement agencies working together, sharing intelligence, sharing equipment, and conducting joint

investigations. At a time when we seem to have accomplished our goals, we are told that interdiction is no longer important. The Federal agencies, DEA, FBI, and others expect severe budget cuts which will greatly diminish their investigative efforts along our border. If we lose our funding for state and local task forces, the narcotics flood gates will be open on the Southwest Border.

The new "National Drug Control Strategy" states. "Further reductions in illicit drug availability are essential if demand reduction efforts, particularly against hardcore use, are to prove effective and not be overcome by a cheap and plentiful supply of illicit drugs." If this goal is to be achieved, state and local task forces must be in place to work jointly with the Federal agencies.

We were told a year ago that our president did not intend to reduce federal support for state and local narcotics initiatives. To our dismay, that has happened and is happening. I do not believe that this is the intent of our Congress and certainly not the will of our citizens. I respectfully urge you to look closely at this successful program before making any more serious budget reductions in the Byrne Memorial Block Grant Funds.

Respectfully;

HANK WEBB
Texas State Representative
Operation Alliance
P.O. Box 8051, El Paso, TX 79908

Mrs. THURMAN. Thank you.

Mr. Cahill is the chairman of the National Legislative Committee for the Fraternal Order of Police, the Grand Lodge. Welcome.

**STATEMENT OF DETECTIVE DONALD L. CAHILL, CHAIRMAN,
NATIONAL LEGISLATIVE COMMITTEE, FRATERNAL ORDER
OF POLICE, GRAND LODGE**

Mr. CAHILL. Thank you, Madam Chair, and members of the committee. It is my pleasure to appear before you today on this very important law enforcement issue.

My name is Donald Cahill. I'm testifying today on behalf of approximately 250,000 members of the Fraternal Order of Police, which is the largest organization of professional rank and file law enforcement personnel in the country. I'm appearing here at the request of our national president, Dewey Stokes, who is unfortunately unable to be with you.

In addition to serving as chairman of the FOP's Legislative Committee, I'm also an active duty police officer, serving with the County Police Department of Virginia. I am currently and for the past 3 years have been assigned to a Federal-State-local drug task force here in the Washington metropolitan area, and I've been a police officer for over 22 years in this particular area.

I am here today to voice opposition to the elimination of this Edward Byrne Memorial State and local law enforcement assistance grant program funding in fiscal year 1995 budget request of the Department of Justice. The Fraternal Order of Police is strongly against any reduction in funding for the State formula grant component of the DOJ program.

While it is true that the Department would increase the Byrne discretionary grant appropriation from \$50 million to \$100 million, this simply will not make up for the loss of the State formula grant component. While the Department's budget proposal would provide \$172.2 million for juvenile justice and delinquency prevention programs, of which \$10.5 million would be allotted to a formula grant program in addition to the \$100 million, critical areas of need are still left out.

One particular need that is funded through the Byrne grant formula grants are the Federal-State and also the State and local task forces. These task forces are not only effective in arresting many drug dealers but were also successful in seizing the assets of the traffickers, which were then put to work on the Federal, State, and local levels, funding other important programs for crime reduction.

I noted, in a recent article in the Legal Times, Justice Department thinking on this issue is characterized as being that of the reason the Attorney General Reno, is so willing to dispose of the program, it's because the Department has so little control over it. The article implies that the thinking of Justice is that this money has been doled out in an ad hoc manner, without the benefit of a national strategy.

Well, the FOP believes that this kind of thinking from Washington is one of the problems we in the State and local government are constantly faced with. Crime is now and always will be a State and local problem. Each State and each region have problems that are peculiar to them and only them. The problems of Los Angeles

are not like the problems of Cheyenne, but the problems of Los Angeles may be like the problems of Riverside and Bakersfield, and the problems of Cheyenne may be like the problems of Casper.

For that reason, it's important for the overall State strategy to play a major role in allocation decisions. Another area that the FOP is concerned about is the adverse impact that the elimination of these formula grants will have on smaller jurisdictions, particularly those in rural communities. The national strategy pays particular attention to the large urban problems where the governments in charge have let crime get out of control over the years and where gang members sometimes outnumber law enforcement officers.

With the elimination of these grants, the multi-jurisdictional drug task forces will be forced to either go out of operation or be severely curtailed. What is likely to happen then is that crime will move out of these urban areas and into the rural communities. Communities in northern Virginia, southern and western Maryland, and parts of West Virginia have already experienced this phenomenon.

Now, it comes as no surprise that some within the Department of Justice want to eliminate these funds in favor of retaining other discretionary accounts. In fact, such a move would probably be met with favor by many big city mayors. Their ability to translate political clout into direct funding for their pet initiatives would be greatly enhanced by a switch to direct funding.

If you take a look at the Department's proposed 1995 budget, you will see many programs funded that will help law enforcement agencies fight crime, but how many of these programs will be there for everyone, especially the rural departments? How many will be there to assist your constituents? Go back to the police departments in your respective districts and ask them one question: Would your department and its various anticrime initiatives be better off not receiving assistance through the formula grant program but relying instead on the discretionary funding?

Two very important programs funded through the Department of Justice which merit mentioning today are the formula grants and the regional information sharing system. Both of these programs are extremely helpful to local police agencies, and both were apparently not funded in the latest budget. This sort of prioritizing is puzzling to many of us in law enforcement. In fact, I do not know any law enforcement agency or organization that was afforded the opportunity to have input into the decisionmaking behind some of the department's funding allocations.

The FOP has been around Washington long enough to have had the opportunity to see administrations come and go. It seems that for 2 months each year the decisionmakers at the various departments and agencies, those who have a handle on what programs within their jurisdiction are working and why, are placed in a vacuum while the numbers crunchers at the Office of Management and Budget juggle programs to make the overall numbers add up correctly, according to their agenda. While the Department may be left to defend the actions of OMB, there can be no doubt that the budget would have looked somewhat different had DOJ prevailed over OMB.

The Fraternal Order of Police, while concerned about the retention of the Byrne grant block funding, does not believe that either the Department or this administration are insincere about their support for law enforcement in battling crime. Despite our agreement on the larger issues, and as representatives of those on the front lines of the war against violent crime, we would negligent not to dispute these funding allocation decisions.

There is no disputing the fact that the Department's proposed budget contains funding for many important anticrime initiatives. At the same time, however, we must remember that the programs that have a proven track record of accomplishment, this did not just happen in the latest round of budget negotiations.

Yesterday, the administration announced a comprehensive and integrated effort to combat violent crime in America, based upon a partnership among all levels of the law enforcement community, Federal, State, and local. If we are truly to work in partnership in pursuit of this noble objective, those of us who do this for a living must be consulted in the allocation of scarce resources. No longer can we make these decisions based on anything but the facts.

Mr. Chairman, the FOP appreciates the opportunity to appear before your subcommittee this morning. Might I also ask that I be excused? I have another commitment that, with this weather, is going to run very close.

Mr. CONDIT [presiding]. We clearly understand that, and you may be excused. We appreciate your testimony. We may have some specific questions for you that we would like to maybe send to you in writing and have you respond.

Mr. CAHILL. I would be more than happy to, sir.

Mr. CONDIT. Thank you for your patience. Thank you for being here, sir.

Mr. CAHILL. Thank you.

[The prepared statement of Mr. Cahill follows:]



**GRAND LODGE
FRATERNAL ORDER OF POLICE**

520 SOUTH HIGH STREET, SUITE 205 • COLUMBUS, OHIO 43215-5685 • (614) 221-0180 • FAX (614) 221-0815

DEWEY R. STOKES
NATIONAL PRESIDENT

TESTIMONY OF
DONALD L. CAHILL
ON BEHALF OF
FRATERNAL ORDER OF POLICE -- GRAND LODGE
BEFORE THE
HOUSE SUBCOMMITTEE ON
INFORMATION, JUSTICE, TRANSPORTATION AND AGRICULTURE
ON
MARCH 2, 1994

MR. CHAIRMAN, MEMBERS OF THIS DISTINGUISHED SUBCOMMITTEE, IT IS A PLEASURE TO APPEAR BEFORE YOU TODAY ON A VERY IMPORTANT ISSUE FACING LAW ENFORCEMENT.

MY NAME IS DONALD L. CAHILL, AND I AM TESTIFYING TODAY ON BEHALF OF THE APPROXIMATELY 250,000 MEMBERS OF THE FRATERNAL ORDER OF POLICE. THE FOP IS THE LARGEST ORGANIZATION OF PROFESSIONAL RANK-AND-FILE LAW ENFORCEMENT PERSONNEL IN THE COUNTRY. I AM APPEARING HERE AT THE REQUEST OF OUR NATIONAL PRESIDENT, DEWEY R. STOKES, WHO IS UNFORTUNATELY UNABLE TO BE WITH YOU TODAY.

IN ADDITION TO SERVING AS THE CHAIRMAN OF THE FOP'S NATIONAL LEGISLATIVE COMMITTEE, I AM ALSO AN ACTIVE DUTY POLICE OFFICER SERVING WITH A COUNTY POLICE DEPARTMENT IN VIRGINIA. I AM PRESENTLY ASSIGNED TO A FEDERAL, STATE, LOCAL DRUG TASK FORCE IN THE WASHINGTON METROPOLITAN AREA. MOREOVER, I HAVE BEEN A POLICE OFFICER FOR TWENTY-TWO YEARS.

I AM HERE TODAY TO VOICE OPPOSITION TO THE ELIMINATION OF THE "EDWARD BYRNE MEMORIAL STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE GRANT PROGRAM" FUNDING IN THE FY95 BUDGET REQUEST OF THE DEPARTMENT OF JUSTICE (DOJ). THE FRATERNAL ORDER OF POLICE IS STRONGLY AGAINST ANY REDUCTION IN FUNDING FOR THE STATE FORMULA GRANT COMPONENT OF THIS DOJ PROGRAM.

WHILE IT IS TRUE THAT THE DEPARTMENT WOULD INCREASE THE BYRNE DISCRETIONARY GRANT APPROPRIATION FROM \$50 MILLION TO \$100 MILLION, THIS SIMPLY WILL NOT MAKE UP FOR THE LOSS OF THE STATE FORMULA GRANT COMPONENT. WHILE THE DEPARTMENT'S BUDGET PROPOSAL PROVIDES \$172.2 MILLION FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION PROGRAMS, OF WHICH \$10.5 MILLION WOULD BE ALLOTTED TO A FORMULA GRANT PROGRAM IN ADDITION TO THE \$100 MILLION, CRITICAL AREAS OF NEED ARE STILL LEFT OUT.

ONE PARTICULAR NEED THAT IS FUNDED THROUGH "BYRNE STATE FORMULA GRANTS" ARE THE FEDERAL, STATE AND LOCAL, AND ALSO STATE AND LOCAL, TASK FORCES. IN THE FY92 BUDGET CYCLE, CALIFORNIA RECEIVED IN EXCESS OF \$6 MILLION TO OPERATE THESE HIGHLY EFFECTIVE MULTI-JURISDICTIONAL EFFORTS AGAINST DRUG TRAFFICKERS. FLORIDA AND NEW YORK ALSO WERE BENEFICIARIES OF THIS ASSISTANCE. THESE TASK FORCES WERE NOT ONLY EFFECTIVE IN ARRESTING MANY DRUG DEALERS, BUT WERE ALSO SUCCESSFUL IN SEIZING THE ASSETS OF THE TRAFFICKERS, WHICH WERE THEN PUT TO WORK ON THE FEDERAL, STATE AND LOCAL LEVEL FUNDING OTHER IMPORTANT PROGRAMS FOR CRIME REDUCTION.

I NOTE THAT A RECENT ARTICLE IN LEGAL TIMES JUSTICE DEPARTMENT THINKING ON THIS ISSUE IS CHARACTERIZED AS BEING THAT THE REASON ATTORNEY GENERAL RENO IS SO WILLING TO DISPOSE OF THE PROGRAM IS BECAUSE THE DEPARTMENT HAS SO LITTLE CONTROL OVER IT. THE ARTICLE IMPLIES THAT THE THINKING OF JUSTICE IS THAT THIS MONEY HAS BEEN DOLED OUT IN AN AD HOC MANNER, WITHOUT THE BENEFIT OF A NATIONAL STRATEGY.

THE FOP BELIEVES THAT THIS KIND OF THINKING FROM WASHINGTON IS ONE OF THE PROBLEMS WE IN STATE AND LOCAL ENFORCEMENT ARE CONSTANTLY FACED WITH. CRIME IS NOW, AND ALWAYS WILL BE, A STATE AND LOCAL PROBLEM. EACH STATE AND EACH REGION HAVE PROBLEMS THAT ARE PECULIAR TO THEM AND ONLY THEM. THE PROBLEMS OF LOS ANGELES ARE NOT LIKE THE PROBLEMS OF CHEYENNE. BUT THE PROBLEMS OF LOS ANGELES MAY BE LIKE THE PROBLEMS OF RIVERSIDE AND BAKERSFIELD. AND THE PROBLEMS OF CHEYENNE MAY BE LIKE THE PROBLEMS OF CASPER. FOR THAT REASON, IT IS IMPORTANT FOR THE OVERALL STATE STRATEGY TO PLAY A MAJOR ROLE IN ALLOCATION DECISIONS.

ANOTHER AREA THE FOP IS CONCERNED ABOUT IS THE ADVERSE IMPACT THAT THE ELIMINATION OF THESE FORMULA GRANTS WILL HAVE ON SMALLER JURISDICTIONS, PARTICULARLY THOSE IN RURAL COMMUNITIES. THE NATIONAL STRATEGY PAYS PARTICULAR ATTENTION TO THE LARGE URBAN PROBLEMS WHERE THE GOVERNMENTS IN CHARGE HAVE LET CRIME GET OUT OF CONTROL OVER THE YEARS, AND WHERE GANG MEMBERS SOMETIMES OUTNUMBER LAW ENFORCEMENT OFFICERS. WITH THE ELIMINATION OF THESE GRANTS, THE MULTI-JURISDICTIONAL DRUG TASK FORCES WILL BE FORCED TO EITHER GO OUT OF OPERATION OR SEVERELY CURTAILED. WHAT IS LIKELY TO HAPPEN THEN IS THAT CRIME WILL MOVE OUT OF THESE URBAN AREAS AND INTO THE RURAL COMMUNITIES. COMMUNITIES IN NORTHERN VIRGINIA, SOUTHERN AND WESTERN MARYLAND, AND PARTS OF WEST VIRGINIA HAVE ALREADY EXPERIENCED THIS PHENOMENON.

NOW, IT COMES AS NO SURPRISE THAT SOME WITHIN DOJ MAY WANT TO ELIMINATE THESE FUNDS IN FAVOR OF RETAINING OTHER DISCRETIONARY ACCOUNTS. IN FACT, SUCH A MOVE WOULD PROBABLY BE MET WITH FAVOR BY MANY BIG CITY MAYORS. THEIR ABILITY TO TRANSLATE POLITICAL CLOUT INTO DIRECT FUNDING FOR THEIR PET INITIATIVES WOULD BE GREATLY ENHANCED BY A SWITCH TO DIRECT FUNDING.

IF YOU TAKE A LOOK AT THE DEPARTMENT'S PROPOSED FY95 BUDGET, YOU WILL SEE MANY PROGRAMS FUNDED THAT WILL HELP LAW ENFORCEMENT AGENCIES FIGHT CRIME. BUT HOW MANY OF THESE PROGRAMS WILL BE THERE FOR EVERYONE, ESPECIALLY THE RURAL DEPARTMENTS? HOW MANY WILL BE THERE TO ASSIST YOUR CONSTITUENTS? GO BACK TO THE POLICE DEPARTMENTS IN YOUR RESPECTIVE DISTRICT AND ASK THEM ONE QUESTION: WOULD YOUR DEPARTMENT AND ITS VARIOUS ANTI-CRIME INITIATIVES BE BETTER OFF NOT RECEIVING ASSISTANCE THROUGH THE FORMULA GRANT PROGRAM, BUT RELYING INSTEAD ON DISCRETIONARY FUNDING?

TWO VERY IMPORTANT PROGRAMS FUNDED THROUGH THE DEPARTMENT OF JUSTICE WHICH MERIT MENTIONING TODAY ARE THE FORMULA GRANTS AND THE REGIONAL INFORMATION SYSTEM (R.I.S.S.). BOTH OF THESE PROGRAMS ARE EXTREMELY HELPFUL TO LOCAL POLICE AGENCIES AND BOTH WERE APPARENTLY NOT FUNDED IN THIS LATEST BUDGET. THIS SORT OF PRIORITIZING IS PUZZLING TO MANY OF US IN LAW ENFORCEMENT. IN FACT, I DO NOT KNOW OF ANY LAW ENFORCEMENT ORGANIZATION THAT WAS AFFORDED THE OPPORTUNITY TO HAVE INPUT INTO THE DECISION-MAKING BEHIND SOME OF THE DEPARTMENT'S FUNDING ALLOCATIONS.

THE FOP HAS BEEN AROUND WASHINGTON LONG ENOUGH TO HAVE HAD THE OPPORTUNITY TO SEE ADMINISTRATIONS COME AND GO. IT SEEMS THAT FOR TWO MONTHS EACH YEAR, THE DECISION-MAKERS AT THE VARIOUS DEPARTMENTS AND AGENCIES -- THOSE WHO HAVE A HANDLE ON WHAT PROGRAMS WITHIN THEIR JURISDICTION ARE WORKING AND WHY -- ARE PLACED IN A VACUUM WHILE THE "NUMBER CRUNCHERS" AT THE OFFICE OF MANAGEMENT AND BUDGET JUGGLE PROGRAMS TO MAKE THE OVERALL NUMBERS ADD UP CORRECTLY ACCORDING TO THEIR AGENDA. WHILE THE DEPARTMENT MAY BE LEFT TO DEFEND THE ACTIONS OF OMB, THERE CAN BE NO DOUBT THAT THE BUDGET WOULD HAVE LOOKED SOMEWHAT DIFFERENT HAD DOJ PREVAILED OVER OMB.

THE FRATERNAL ORDER OF POLICE, WHILE CONCERNED ABOUT THE RETENTION OF THE BYRNE GRANT BLOCK FUNDING, DOES NOT BELIEVE THAT EITHER THE DEPARTMENT OR THIS ADMINISTRATION ARE INSINCERE ABOUT THEIR SUPPORT FOR LAW ENFORCEMENT IN BATTLING CRIME. DESPITE OUR AGREEMENT ON THE LARGER OBJECTIVES, AND AS REPRESENTATIVES OF THOSE ON THE "FRONT LINES" OF THE WAR AGAINST VIOLENT CRIME, WE WOULD BE NEGLIGENT NOT TO DISPUTE THESE FUNDING ALLOCATION DECISIONS.

THERE IS NO DISPUTING THE FACT THAT THE DEPARTMENT'S PROPOSED BUDGET CONTAINS FUNDING FOR MANY IMPORTANT ANTI-CRIME INITIATIVES. AT THE SAME TIME, HOWEVER, WE MUST REMEMBER THE PROGRAMS THAT HAVE A PROVEN TRACK RECORD OF ACCOMPLISHMENT. THAT JUST DID NOT HAPPEN IN THIS LATEST ROUND OF BUDGET NEGOTIATIONS.

YESTERDAY, THE ADMINISTRATION ANNOUNCED A COMPREHENSIVE AND INTEGRATED EFFORT TO COMBAT VIOLENT CRIME IN AMERICA BASED UPON A PARTNERSHIP AMONG ALL LEVELS OF THE LAW ENFORCEMENT COMMUNITY -- FEDERAL, STATE AND LOCAL. IF WE ARE TRULY TO WORK IN PARTNERSHIP IN PURSUIT OF THIS NOBLE OBJECTIVE, THOSE OF US WHO DO THIS FOR A LIVING MUST BE CONSULTED IN THE ALLOCATION OF SCARCE RESOURCES. NO LONGER CAN WE MAKE THESE DECISIONS BASED ON ANYTHING BUT THE FACTS.

MR. CHAIRMAN, THE FOP APPRECIATES THE OPPORTUNITY TO APPEAR BEFORE YOUR SUBCOMMITTEE THIS MORNING, AND I WOULD BE PLEASED TO ANSWER ANY QUESTIONS AT THIS TIME.

Mr. CONDIT. I would also like to thank Mrs. Thurman for filling in for me. I had to step out. I had other commitments, as well, and I appreciate that very much.

Mr. Timmons.

**STATEMENT OF ROBERT TIMMONS, EXECUTIVE DIRECTOR,
ALABAMA SHERIFFS ASSOCIATION**

Mr. TIMMONS. Good morning, Mr. Chairman and distinguished members of the subcommittee.

I appear before you this morning in a threefold capacity: first, as executive director of the Alabama Sheriffs Association, representing all 67 sheriffs in the State of Alabama—I am entering my 20th year in that capacity—second, as a member of the Governor's drug advisory board which oversees administration and awarding of the Byrne formula grant program money for Alabama, and third as a subgrantee and recipient of these funds.

Needless to say, I was shocked and dismayed to read where the President had eliminated the Edward Byrne Memorial program for the States in his budget proposal to Congress. If this is allowed to happen, it will turn back the clock in our fight against violent crime and drugs in Alabama. We have made tremendous strides in our efforts to combat crime and violence in Alabama by using these Federal funds coming to our State.

Before I get into an analysis of our efforts in this area, I want to acquaint you with the impact our State would have in the loss of jobs and services our State would suffer if this program is allowed to be eliminated.

In terms of economic development in our State, we will lose 487 jobs that these funds are providing to our local communities. These employees, employed at the local level, pay taxes, buy goods and services, and provide a service to the community. These funds remain in the local communities which, in turn, are good for the economic growth of our State and Nation. Therefore, when you consider the budget, please don't just look at what we are doing to the criminals but what this program means to our economy, as well. The impact will be devastating in the rural States if these funds are eliminated.

In 1993, our allocation was \$6,884,000. In 1994, our allocation is \$5,244,300. These funds are passed through to the local units of government at the ratio of 92 percent. The remaining funds are provided to State agencies that work for the betterment of our local units. These funds have provided programs that let our local units address their crime problems. These programs are local, multiunit task forces made up of all segments of law enforcement, prosecution, courts, and integrate with Federal agencies, as well.

While we spend approximately 62 percent of our total funds on task forces, we provide services outside the realm of a strictly related task force. We provide planning that allows the community the chance to plan and attack their crime problem instead of someone telling them what their problem is.

The recent removal of \$150 million from the Byrne program by Congress to fund the police hiring supplement, "Add a Cop," reduced the States' allocation by 16 percent in fiscal year 1994. Alabama has received three awards from this supplement and has

hired a total of four officers. By implementing this police hiring program, we gave up \$1,057,000 in the Byrne program and received \$155,904 in police hiring funds.

The four officers were hired in extremely rural areas with populations of less than 1500 each. These areas had already been covered by a task force that was supplying better service and coverage than these small, rural towns can provide. Most of our small rural towns have no tax base in which to support the continuation of these officers when the grant expires. On top of this, there is no training or equipment funds for these towns to train and equip these officers, thereby placing an even greater burden on the towns to come up with revenues to support this type of program.

The Byrne program allows a State to plan and implement their strategy to combat violent crimes and to carry forth their war on drugs. We have 30 multiple-agency task forces, 13 D.A.R.E. programs located throughout the State, who last year taught over 9,000 school children, drug treatment programs at the local and State level, and various other outstanding programs that won't survive if the Byrne program is eliminated by the President and Congress.

To change the direction of the Byrne program from a tremendous partnership with the Bureau of Justice to a dictating Federal program, in the form of discretionary grants direct from Washington, further erodes the States' ability to plan and to address their own crime problems without Federal intervention will be devastating to the States.

We can see this in the supplemental hiring program. The rural States get very little from these types of programs. The economic impact will be detrimental to our State, as we will lose the 487 people now employed who earn salaries, pay taxes, and purchase goods and supplies in our State.

We need to continue our partnership we have developed with the Federal Government and expand it to the point that we are getting more and more assistance at all levels for the amount of funds we receive. I am including our past years' accomplishments as part of our written testimony showing our success with these funds and programs. I would like to elaborate on one of our successful programs that have been made possible by the Byrne program, which would not be possible under the new proposal before Congress. The Alabama Jail Assistance Project began operation in March 1992. Funding is provided by the Byrne formula grant program, 75 percent, and the sheriffs of Alabama put up 25 percent.

The Jail Assistance Project serves all 67 Alabama County jails and 585 Alabama municipal jails. All services have been provided at no cost to the jail or its funding government entity, and the services would not have been available except through the Byrne formula grant program.

The Jail Assistance Project has participated in the correctional training of 351 Alabama jail officers, 78 Alabama law enforcement officers, and 35 Mississippi sheriffs. Present plans call for the training of an additional 150 Alabama jail officers during the remainder of 1994. Training focuses on various administrative programming and security issues, with a strong emphasis on Federal court decisions and constitutional rights of inmates.

The Jail Assistance Project has completed the guidelines for the development of policy and procedure directives for Alabama jails. As a direct result of resources provided by the Byrne formula grant program, this manual has been distributed without cost to 67 Alabama sheriffs, 20 Alabama chiefs of police, 2 California sheriffs, 1 Ohio sheriff, 3 Louisiana sheriffs, 9 Mississippi sheriffs, 1 Texas sheriff, the U.S. Department of Justice, the Bureau of Justice Assistance, the Alabama League of Municipalities, the Louisiana Sheriffs Association, the Mississippi Sheriffs Association, the American Jail Association, and various other government entities.

The manual has been used as a prototype for the development of policy and procedure directives in various jails throughout Alabama and the United States.

Paul Myron, chief of custody for the Los Angeles County Office of the Sheriff, commented on the policy and procedure manual in March 1993. And his letter, "I am quite impressed with the expanse of the policy and procedure directives manual. The manual addresses many intrinsic issues that are important for effective jail operations. The manual's guidelines provide a fundamentally sound basis from which a jail administrator could effectively manage his or her custody facility with intelligible and responsible directives."

Chief Myron went on to say, "It is apparent that this manual will benefit jail administration in the State of Alabama for many years to come."

Dr. Ron Holt, director of the Law Enforcement Academy at the University of Alabama, commented on the policy and procedure directives manual: "Your office has produced a manual that will be useful to every sheriff, administrator, and employee of every sheriff's office in the State of Alabama."

U.S. Magistrate Judge John Carroll, of the middle district of Alabama, commented in a recent letter: "I really appreciate the time you took to come to my office to discuss your project. I am tremendously impressed with what you are trying to do. I will discuss the Jail Services Project with my colleagues and offer them my view that I think you could be a valuable resource to mediate jail cases."

Let me quote on that part that that's where most of my 1983 lawsuits begin. That's where I end up facing that judge at times about many, many criteria that I don't have answers for. So this new jail administrative policy and procedure manual has been very, very helpful.

As a result of the initial meeting with Magistrate Judge Carroll, the Alabama Jail Assistance Project is mediating a series of four lawsuits against an Alabama jail. The Jail Assistance Project will undertake the revision of the Alabama jail standards during the 1994-95 funding period. Originally developed by the Alabama Sheriffs Association in 1981, the Alabama County Jail Standards will be updated to reflect new requirements: blood-borne pathogens, airborne pathogens, Americans With Disabilities Act, et cetera, trends in the operation of a constitutional jail facility, and to comply with Federal court mandates and national standards.

The Jail Assistance Project serves as an advocate for the local jail to interview proposed architectural designs for new jails, to help make certain that new designs reflect contemporary jail design and will result in the construction of a functional and staff-

efficient facility that will meet the correctional needs of the local jurisdiction, as well as meet Federal court mandates and national and State standards.

The Jail Assistance Project provides a vast array of technical assistance to local jails without cost, precluding the need to divert major financial resources for the employment of other consultants.

The Alabama Jail Assistance Project has been honored by the American Jail Association in two distinct ways. The March/April issue of the America Jails magazine featured the Jail Assistance Project as a workable model. And, in May 1994, the Jail Assistance Project will be presented at a program featured at the national conference of the American Jail Association in Indianapolis.

The Alabama Jail Assistance Project will continue to exist and to assist Alabama jails in their effort to upgrade to constitutional minimal levels, insofar as the Byrne formula grant program remains intact. Elimination of the Byrne formula grant program will have a devastating, negative effect on numerous jails that are striving to upgrade all aspects of their operation.

Meager resources, especially in rural areas, will preclude the continuation of the Jail Assistance Project without the continued assistance provided by the Byrne formula grant program. This is an essential program which must be allowed to continue, not only as a valuable resource for Alabama jails, but also as a national model. This is an example of how only one of our 54 programs that we currently have in Alabama would not be possible without the Byrne program.

I would like to comment on the problem we would have if all of these funds were shifted to the community policing program. While we are in favor of community policing, it is not the answer to our crime problems. Our State is rural. We have two cities that exceed 150,000 in population. Community policing does not work at the rural level.

Our sheriffs' departments cover vast rural areas where community policing is not a viable solution. Our rural departments cannot walk a beat; however, they can join forces with a strike or task force and handle the crime problem at that level, as we are now doing.

We are in favor of community policing, as it now stands, as one of the authorized 23 purposes allowed by Congress. To remove the other purposes allowed by the act and reduce it to one purpose destroys our efforts to effectively address our crime problem. We implore Congress not to do this.

In conclusion, Mr. Chairman, I would simply like to say that I deeply appreciate the opportunity to appear before this subcommittee to express our views on elimination of the Byrne program. We have made too much progress in the criminal justice system to go backward. We have implemented legislation that allows that States to plan and address their crime problems. We need to keep this intact and expand on it, if we are to ever reach our goal of reducing violent crime and drugs in our State.

Thank you, sir.

[The prepared statement of Mr. Timmons follows:]

**TESTIMONY PRESENTED
TO THE HOUSE OF REPRESENTATIVES, SUBCOMMITTEE ON
INFORMATION, JUSTICE, TRANSPORTATION, AND AGRICULTURE**

THE HONORABLE GARY A CONDIT, CHAIRMAN

GOOD MORNING, MR. CHAIRMAN, DISTINGUISHED MEMBER OF THE SUBCOMMITTEE. I APPEAR BEFORE YOU THIS MORNING IN A THREE-FOLD CAPACITY. FIRST AS THE EXECUTIVE DIRECTOR OF THE ALABAMA SHERIFF'S ASSOCIATION REPRESENTING ALL 67 SHERIFFS IN ALABAMA, SECOND AS A MEMBER OF THE GOVERNOR'S DRUG ADVISORY BOARD, WHICH OVERSEES THE ADMINISTRATIVE AND AWARDED OF THE BYRNE FORMULA GRANT PROGRAM FOR ALABAMA, AND THIRD AS A SUBGRANTEE AND RECIPIENT OF THESE FUNDS. NEEDLESS TO SAY I WAS SHOCKED AND DISMAYED TO READ WHERE THE PRESIDENT HAD ELIMINATED THE EDWARD BYRNE MEMORIAL PROGRAM FOR THE STATES IN HIS BUDGET PROPOSAL TO CONGRESS. IF THIS IS ALLOWED TO HAPPEN, IT WILL TURN THE CLOCK BACKWARD IN OUR FIGHT AGAINST VIOLENT CRIME AND DRUGS IN AMERICA. WE HAVE MADE TREMENDOUS STRIDES IN OUR EFFORTS TO COMBAT CRIME AND VIOLENCE IN ALABAMA, BY USING THESE FEDERAL FUNDS COMING INTO OUR STATE, BUT BEFORE I GET INTO AN ANALYSIS OF OUR EFFORTS IN THIS AREA, I WANT TO ACQUAINT YOU WITH THE IMPACT OUR STATE WOULD HAVE IN THE LOSS OF JOBS AND SERVICES OUR STATE WOULD SUFFER IF THIS PROGRAM IS ALLOWED TO BE ELIMINATED. IN TERMS OF ECONOMIC DEVELOPMENT FOR OUR STATE, WE

WILL LOSE 487 JOBS THAT THESE FUNDS ARE PROVIDING TO OUR LOCAL COMMUNITIES. THESE EMPLOYEES, EMPLOYED AT THE LOCAL LEVEL, PAY TAXES, BUY GOODS AND SERVICES AND PROVIDE A SERVICE TO THE COMMUNITY. THESE FUNDS REMAIN IN THE LOCAL COMMUNITY WHICH IN TURN ARE GOOD FOR THE ECONOMIC GROWTH OF OUR STATES AND NATION. THEREFORE, WHEN YOU CONSIDER THE BUDGET, PLEASE DON'T JUST LOOK AT WHAT WE ARE DOING TO THE CRIMINALS, BUT WHAT THIS PROGRAM MEANS TO OUR ECONOMY AS WELL.

THE IMPACT WILL BE DEVASTATING TO THE RURAL STATES IF THESE FUNDS ARE ELIMINATED. IN 1993, OUR ALLOCATION WAS \$6,884,000. IN 1994 OUR ALLOCATION IS \$5,244,300. THESE FUNDS ARE PASSED THROUGH TO THE LOCAL UNITS OF GOVERNMENTS AT THE RATIO OF 92%. THE REMAINING FUNDS ARE PROVIDED TO STATE AGENCIES THAT WORK FOR THE BETTERMENT OF OUR LOCAL UNITS. THESE FUNDS ARE PROVIDING PROGRAMS THAT LET OUR LOCAL UNITS ADDRESS THEIR CRIME PROBLEMS. THESE PROGRAMS ARE LOCAL MULTI-UNITS TASK FORCES MADE UP OF ALL SEGMENTS OF LAW ENFORCEMENT, PROSECUTION, COURTS, AND INTEGRATE WITH FEDERAL AGENCIES AS WELL. WHILE WE SPEND APPROXIMATELY 62% OF OUR TOTAL FUNDS ON TASK FORCES, WE PROVIDE SERVICES OUTSIDE THE REALM OF A STRICTLY RELATED TASK FORCE. WE PROVIDE PLANNING THAT ALLOWS THE COMMUNITY THE CHANCE TO PLAN AND ATTACK THEIR CRIME PROBLEM INSTEAD OF SOMEONE

TELLING THEM WHAT THEIR PROBLEM IS. THE RECENT REMOVAL OF 150 MILLION DOLLARS FROM THE BYRNE PROGRAM BY CONGRESS TO FUND THE POLICE HIRING SUPPLEMENT, "ADD A COP", REDUCED THE STATES ALLOCATION BY 16% IN FY 94. ALABAMA HAS RECEIVED THREE AWARDS FROM THIS SUPPLEMENT AND HAS HIRED A TOTAL OF FOUR OFFICERS. BY IMPLEMENTING THIS POLICE HIRING PROGRAM WE GAVE UP \$1,057,00 IN THE BYRNE PROGRAM AND RECEIVED \$155,906 IN POLICE HIRING FUNDS. THE FOUR OFFICERS WERE HIRED FOR EXTREME RURAL AREAS WITH POPULATIONS OF LESS THAN 1,500 EACH. THESE AREAS ARE ALREADY BEING COVERED BY A TASK FORCE THAT WAS SUPPLYING BETTER SERVICE AND COVERAGE THAN THESE SMALL RURAL TOWNS CAN PROVIDE. MOST OF OUR SMALL RURAL TOWNS HAVE NO TAX BASE IN WHICH TO SUPPORT THE CONTINUATION OF THESE OFFICERS WHEN THE GRANT EXPIRES. ON TOP OF THIS, THERE IS NO TRAINING OR EQUIPMENT FUNDS FOR THESE TOWNS TO TRAIN AND EQUIP THESE OFFICERS, THEREBY PLACING AN EVEN GREATER BURDEN ON THE TOWNS TO COME UP WITH REVENUE TO SUPPORT THIS TYPE OF PROGRAM. THE BYRNE PROGRAM ALLOWS THE STATES TO PLAN AND IMPLEMENT THEIR STRATEGY ON HOW TO COMBAT VIOLENT CRIMES, AND TO CARRY FORTH THEIR WAR ON DRUGS. WE HAVE 30 MULTI-AGENCY TASK FORCES, 13 D.A.R.E. PROGRAMS LOCATED THROUGHOUT THE STATE WHO LAST YEAR TAUGHT OVER 9,000 SCHOOL CHILDREN, DRUG TREATMENT PROGRAMS AT THE LOCAL AND STATE LEVEL, AND VARIOUS OTHER OUTSTANDING PROGRAMS THAT WON'T

SURVIVE IF THE BYRNE PROGRAM IS ELIMINATED BY THE PRESIDENT AND CONGRESS. TO CHANGE THE DIRECTION OF THE BYRNE PROGRAM FROM A TREMENDOUS PARTNERSHIP WITH THE BUREAU OF JUSTICE TO A DICTATING FEDERAL PROGRAM IN THE FORM OF DISCRETIONARY GRANTS DIRECT FROM WASHINGTON FURTHER ERODING THE STATES ABILITY TO PLAN AND ADDRESS THEIR OWN CRIME PROBLEMS WITHOUT FEDERAL INTERVENTION WILL BE DEVASTATING TO THE STATES. WE CAN SEE THIS IN THE SUPPLEMENT HIRING PROGRAM, THE RURAL STATES GET VERY LITTLE FROM THESE TYPES OF PROGRAMS. THE ECONOMIC IMPACT WILL BE DETRIMENTAL TO OUR STATE , AS WE WILL LOSE THE 487 PEOPLE NOW EMPLOYED WHO EARN SALARIES, PAY TAXES AND PURCHASE GOODS AND SUPPLIES IN OUR STATE. WE NEED TO CONTINUE OUR PARTNERSHIP WE HAVE DEVELOPED WITH THE FEDERAL GOVERNMENT AND EXPAND IT TO THE POINT THAT WE ARE GETTING MORE AND MORE ASSISTANCE AT ALL LEVELS FOR THE AMOUNT OF FUNDS WE RECEIVE. I AM INCLUDING OUR PAST YEARS ACCOMPLISHMENT AS PART OF OUR WRITTEN TESTIMONY SHOWING OUR SUCCESS WITH THESE FUNDS AND PROGRAMS.

I WOULD LIKE TO ELABORATE ON ONE OF OUR SUCCESSFUL PROGRAMS THAT HAS BEEN MADE POSSIBLE BY THE BYRNE PROGRAM, WHICH WOULD NOT BE POSSIBLE UNDER THE NEW PROPOSAL BEFORE CONGRESS.

ALABAMA JAIL ASSISTANCE PROJECT

THE ALABAMA JAIL ASSISTANCE PROJECT BEGAN OPERATION IN MARCH, 1992. FUNDING IS PROVIDED BY THE BYRNE FORMULA GRANT PROGRAM (75%) AND THE SHERIFFS OF ALABAMA (25%).

THE JAIL ASSISTANCE PROJECT SERVES ALL SIXTY-SEVEN ALABAMA COUNTY JAILS AND 385 ALABAMA MUNICIPAL JAILS. ALL SERVICES HAVE BEEN PROVIDED AT NO COST TO THE JAIL OR ITS FUNDING GOVERNMENTAL ENTITY AND THE SERVICES WOULD NOT HAVE BEEN AVAILABLE EXCEPT FOR THE BYRNE FORMULA GRANT PROGRAM.

THE JAIL ASSISTANCE PROJECT HAS PARTICIPATED IN THE CORRECTIONS TRAINING OF 351 ALABAMA JAIL OFFICERS, 78 ALABAMA LAW ENFORCEMENT OFFICERS, AND 35 MISSISSIPPI SHERIFFS. PRESENT PLANS CALL FOR THE TRAINING OF AN ADDITIONAL 150 ALABAMA JAIL OFFICERS DURING THE REMAINDER OF 1994. TRAINING FOCUSES ON VARIOUS ADMINISTRATIVE, PROGRAMMING AND SECURITY ISSUES, WITH A STRONG EMPHASIS ON FEDERAL COURT DECISIONS AND CONSTITUTIONAL RIGHTS OF INMATES.

THE JAIL ASSISTANCE PROJECT HAS COMPLETED THE GUIDELINES FOR THE DEVELOPMENT OF POLICY AND PROCEDURE DIRECTIVES FOR ALABAMA JAILS. AS A DIRECT RESULT OF RESOURCES PROVIDED BY THE BYRNE FORMULA GRANT PROGRAM, THIS MANUAL HAS BEEN

DISTRIBUTED WITHOUT COST TO 67 ALABAMA SHERIFFS, 20 ALABAMA CHIEFS OF POLICE, 2 CALIFORNIA SHERIFFS, 1 OHIO SHERIFF, 3 LOUISIANA SHERIFFS, 9 MISSISSIPPI SHERIFFS, 1 TEXAS SHERIFF, THE U.S. DEPARTMENT OF JUSTICE, THE BUREAU OF JUSTICE ASSISTANCE, THE ALABAMA LEAGUE OF MUNICIPALITIES, THE LOUISIANA SHERIFFS' ASSOCIATION, THE MISSISSIPPI SHERIFFS ASSOCIATION, THE AMERICAN JAIL ASSOCIATION AND VARIOUS OTHER GOVERNMENTAL ENTITIES. THE MANUAL HAS BEEN USED AS A PROTOTYPE FOR THE DEVELOPMENT OF POLICY AND PROCEDURE DIRECTIVES IN VARIOUS JAILS THROUGHOUT ALABAMA AND THE UNITED STATES.

PAUL E. MYRON, CHIEF OF CUSTODY FOR THE LOS ANGELES COUNTY OFFICE OF THE SHERIFF, COMMENTED ON THE POLICY AND PROCEDURE MANUAL IN A MARCH 15, 1993, LETTER:

"I AM QUITE IMPRESSED WITH THE EXPANSE OF THE POLICY AND PROCEDURE DIRECTIVES MANUAL. THE MANUAL ADDRESSES MANY INTRINSIC ISSUES THAT ARE IMPORTANT FOR EFFECTIVE JAIL OPERATIONS. THE MANUAL'S GUIDELINES AND REFERENCES PROVIDE A FUNDAMENTALLY SOUND BASIS FROM WHICH A JAIL ADMINISTRATOR COULD EFFECTIVELY MANAGE HIS OR HER CUSTODY FACILITY WITH INTELLIGIBLE AND RESPONSIBLE DIRECTIVES."

CHIEF MYRON WENT ON TO SAY.....

"IT IS APPARENT THAT THIS MANUAL WILL BENEFIT JAIL ADMINISTRATION IN THE STATE OF ALABAMA FOR MANY YEARS TO COME."

DR. RON HOLT, DIRECTOR OF THE LAW ENFORCEMENT ACADEMY OF THE UNIVERSITY OF ALABAMA, COMMENTED ON THE POLICY AND PROCEDURE DIRECTIVES MANUAL:

"YOUR OFFICE HAS PRODUCED A MANUAL THAT WILL BE USEFUL TO EVERY SHERIFF, ADMINISTRATOR AND EMPLOYEE OF EVERY SHERIFF'S OFFICE IN THE STATE OF ALABAMA."

UNITED STATES MAGISTRATE JUDGE JOHN L. CARROLL OF THE MIDDLE DISTRICT OF ALABAMA, COMMENTED IN A RECENT LETTER:

"I REALLY APPRECIATE THE TIME YOU TOOK TO COME TO MY OFFICE TO DISCUSS YOUR PROJECT. I AM TREMENDOUSLY IMPRESSED WITH WHAT YOU ARE TRYING TO DO. I WILL DISCUSS THE JAIL SERVICES PROJECT WITH MY COLLEAGUES AND OFFER THEM MY VIEW THAT I THINK YOU COULD BE A VALUABLE RESOURCE TO MEDIATE JAIL CASES."

AS A RESULT OF THE INITIAL MEETING WITH MAGISTRATE JUDGE CARROLL, THE ALABAMA JAIL ASSISTANCE PROJECT IS MEDIATING A SERIES OF FOUR LAWSUITS AGAINST AN ALABAMA JAIL.

THE JAIL ASSISTANCE PROJECT WILL UNDERTAKE THE REVISION OF THE ALABAMA COUNTY JAIL STANDARDS DURING THE 1994-95 FUNDING PERIOD. ORIGINALLY DEVELOPED BY THE ALABAMA SHERIFFS' ASSOCIATION IN 1981, THE ALABAMA COUNTY JAIL STANDARDS WILL BE UPDATED TO REFLECT NEW REQUIREMENTS (i.e. BLOODBORNE PATHOGENS, AIRBORNE PATHOGENS, AMERICANS WITH DISABILITIES ACT, etc.) AND TRENDS IN THE OPERATION OF A CONSTITUTIONAL JAIL FACILITY AND TO COMPLY WITH FEDERAL COURT MANDATES AND NATIONAL STANDARDS.

THE JAIL ASSISTANCE PROJECT SERVES AS AN ADVOCATE FOR THE LOCAL JAIL IN REVIEWING PROPOSED ARCHITECTURAL DESIGNS FOR NEW JAILS TO HELP MAKE CERTAIN THAT NEW DESIGNS REFLECT CONTEMPORARY JAIL DESIGN AND WILL RESULT IN THE CONSTRUCTION OF A FUNCTIONAL AND STAFF-EFFICIENT FACILITY THAT WILL MEET THE CORRECTIONAL NEEDS OF THE LOCAL JURISDICTION AS WELL AS MEET FEDERAL COURT MANDATES AND NATIONAL AND STATE STANDARDS.

THE JAIL ASSISTANCE PROJECT PROVIDES A VAST ARRAY OF TECHNICAL ASSISTANCE TO LOCAL JAILS, WITHOUT COST, PRECLUDING THE NEED TO DIVERT MEAGER FINANCIAL RESOURCES FOR THE EMPLOYMENT OF OTHER CONSULTANTS.

THE ALABAMA JAIL ASSISTANCE PROJECT HAS BEEN HONORED BY THE AMERICAN JAIL ASSOCIATION IN TWO DISTINCT WAYS. THE

MARCH/APRIL 1993 ISSUE OF AMERICAN JAILS MAGAZINE FEATURED THE JAIL ASSISTANCE PROJECT AS A WORKABLE MODEL. AND, IN MAY 1994, THE JAIL ASSISTANCE PROJECT WILL BE PRESENTED AS A PROGRAM FEATURE AT THE NATIONAL CONFERENCE OF THE AMERICAN JAIL ASSOCIATION TO BE HELD IN INDIANAPOLIS.

THE ALABAMA JAIL ASSISTANCE PROJECT WILL CONTINUE TO EXIST AND TO ASSIST ALABAMA JAILS IN THEIR EFFORT TO UPGRADE TO CONSTITUTIONAL MINIMAL LEVELS INSOFAR AS THE BYRNE FORMULA GRANT PROGRAM REMAINS INTACT. ELIMINATION OF THE BYRNE FORMULA GRANT PROGRAM WILL HAVE DRASTIC NEGATIVE EFFECTS ON NUMEROUS JAILS THAT ARE STRIVING TO UPGRADE ALL ASPECTS OF THEIR OPERATION. MEAGER RESOURCES, ESPECIALLY IN RURAL AREAS, WILL PRECLUDE THE CONTINUATION OF THE JAIL ASSISTANCE PROJECT WITHOUT THE CONTINUED ASSISTANCE PROVIDED BY THE BYRNE FORMULA GRANT PROGRAM. THIS IS AN ESSENTIAL PROGRAM WHICH MUST BE ALLOWED TO CONTINUE, NOT ONLY AS A VALUABLE RESOURCE FOR ALABAMA JAILS BUT ALSO AS A NATIONAL MODEL.

THIS IS AN EXAMPLE OF ONLY ONE OF OUR 51 PROGRAMS THAT WE CURRENTLY HAVE IN ALABAMA, THAT WOULD NOT BE POSSIBLE WITHOUT THE BYRNE PROGRAM.

I WOULD LIKE TO COMMENT ON THE PROBLEM WE WOULD HAVE IF ALL OF THESE FUNDS WERE SHIFTED TO THE COMMUNITY POLICING PROGRAM. WHILE WE ARE IN FAVOR OF COMMUNITY POLICING, IT IS NOT THE ANSWER TO OUR CRIME PROBLEMS. OUR STATE IS RURAL, WE HAVE TWO CITIES THAT EXCEED 150,000 IN POPULATION. COMMUNITY POLICING DOES NOT WORK AT THE RURAL LEVEL. OUR SHERIFF'S DEPARTMENTS COVER VAST RURAL AREAS WHERE COMMUNITY POLICING IS NOT A VIABLE SOLUTION. OUR RURAL DEPARTMENTS CANNOT WALK A BEAT, HOWEVER, THEY CAN JOIN FORCES WITH A STRIKE OR TASK FORCE AND HANDLE THE CRIME PROBLEM AT THAT LEVEL AS WE NOW ARE DOING. WE'RE ALL IN FAVOR OF COMMUNITY POLICING AS IT NOW STANDS AS ONE OF THE AUTHORIZED 23 PURPOSES ALLOWED BY CONGRESS. TO REMOVE THE OTHER PURPOSES ALLOWED BY THE ACT AND REDUCE IT TO ONE PURPOSE DESTROYS OUR EFFORTS TO EFFECTIVELY ADDRESS OUR CRIME PROBLEM. WE IMPORE CONGRESS NOT TO DO THIS.

IN CONCLUSION, MR. CHAIRMAN I WOULD SIMPLY LIKE TO SAY THAT I DEEPLY APPRECIATE THE OPPORTUNITY TO APPEAR BEFORE THIS SUBCOMMITTEE TO EXPRESS OUR VIEWS ON THE ELIMINATION OF THE BYRNE PROGRAM. WE HAVE

MADE TOO MUCH PROGRESS IN THE CRIMINAL JUSTICE SYSTEM TO GO BACKWARD. WE HAVE THE IMPLEMENTING LEGISLATION THAT ALLOWS THE STATES TO PLAN AND ADDRESS THEIR CRIME PROBLEMS WE NEED TO KEEP THIS INTACT AND EXPAND ON IT IF WE ARE TO EVER REACH OUR GOAL OF REDUCING VIOLENT CRIMES, AND DRUGS IN OUR STATE. I'LL BE GLAD TO RESPOND TO ANY QUESTIONS THAT YOU MAY HAVE.

ALABAMA DEPARTMENT OF ECONOMIC AND COMMUNITY AFFAIRS

LAW ENFORCEMENT PLANNING

SUMMARY OF ANTI-DRUG ABUSE GRANTS - 1993

SUBGRANTEE	AWARD AMOUNT	AWARD DATE	BEGINNING AND ENDING DATES	PROGRAM TITLE AND PURPOSE
Colbert Co. Commission Colbert Co. Courthouse Tuscumbia, AL 35674 Grant # DB-93-01-0001	\$126,283	6/23/93	6/1/93 5/31/94	Multi-jurisdictional Drug Task Force (#2). To provide a multi-jurisdictional drug task force composed of law enforcement agencies in Colbert County.
Marshall Co. Commission/ P. O. Box 610 Guntersville, AL 35976 Grant #DB-93-01-0002	\$141,000	7/7/93	7/1/93 6/30/94	Multi-jurisdictional Drug Task Force (#2). To provide multi-drug task force composed of law enforcement agencies in Marshall county.
City of Florence P. O. Box 98 Florence, AL 35361 Grant #DB-93-01-0005	\$200,000	7/7/93	7/1/93 6/30/94	Multi-jurisdictional Drug Task force (#2). To provide multi-drug task force law enforcement agencies in Lauderdale and Franklin Counties and Muscle Shoals in Colbert County.
Franklin Co. Commission Franklin Co. Courthouse Russellville, AL 35653 Grant #DB-93-01-0009		7/7/93	7/1/93 6/30/94	Drug Abuse Resistance Education (#1). To provide a drug abuse education program for the Franklin County School System.
Limestone Co. Commission 310 W. Washington St. Athens, AL 35611 Grant #DB-93-01-0011	\$52,973	7/20/93	8/15/93 8/14/94	Highway Interdiction (#2). To provide for drug enforcement in Limestone and Morgan Counties for the purpose of investigating, apprehending, incarcerating, and prosecuting those engaged in the transportation of illegal drugs.

SUBGRANTEE	AWARD AMOUNT	AWARD DATE	BEGINNING AND ENDING DATES	PROGRAM TITLE AND PURPOSE
City of Cullman P. O. Box 278 Cullman, AL 35056-1278 DB-93-01-0012	\$112,855	8/17/93	9/1/93 8/31/94	Multi-jurisdictional Drug Task Force (#2). To provide a united drug enforcement capability for Cullman County. Headed by a special prosecutor, this task force is designed to apprehend, prosecute and incarcerate those engaged in illegal drug activities.
City of Athens P. O. Box 1089 Athens, AL 35611 DB-93-01-0013	\$136,900	9/27/93	10/1/93 9/30/94	Multi-jurisdictional Drug Task Force (#2). To provide a united drug enforcement capability for Limestone County.
Madison Co. Commission 100 Northside Square Huntsville, AL 35801-4820 DB-93-01-0014	\$211,500	9/27/93	10/1/93 9/30/94	Multi-jurisdictional Drug Task Force (#2). To provide multi-jurisdictional drug task force made of several agencies in Madison and Jackson Counties.
Lawrence Co. Commission 750 Main St. Moulton, AL 35650 DB-93-01-0015	\$84,600	9/27/93	10/1/93 9/30/94	Multi-jurisdictional Drug Task Force (#2). To provide a multi-drug unit for the thirty-sixth judicial circuit in Alabama.
Morgan Co. Commission P. O. Box 668 Decatur, AL 35602 DB-93-01-0016	\$132,540	11/17/93	11/1/93 10/31/94	Multi-jurisdictional Drug Task Force (#2). To provide a multi-drug unit for Morgan County. This unit will apprehend, prosecute, and incarcerate those engaged in illegal drug activities.
City of Sheffield P. O. Drawer Q Sheffield, AL 35660 DB-93-01-0017	\$20,747	1/26/94	2/1/94 1/31/95	Drug Abuse Resistance Education (#1). To provide a drug abuse resistance education program for the Sheffield City School System.
City of Tuscaloosa P. O. Box 2089 Tuscaloosa, AL 35403 Grant #DB-93-02-0002	\$149,173	7/21/93	8/1/93 7/31/94	Multi-jurisdictional Drug Task Force (#2). To provide a multi-agency narcotics unit for the purpose of targeting, investigating, and prosecuting individuals who organize, direct, or engage in illegal drug trafficking.

SUBGRANTEE	AWARD AMOUNT	AWARD DATE	BEGINNING AND ENDING DATES	PROGRAM TITLE AND PURPOSE
Jefferson Co. Commission 716 N. 21st St. Birmingham, AL 35203 Grant #DB-93-03-0001	\$115,799	7/7/93	7/1/93 6/30/94	Treatment Program (#1). To provide a drug abuse specific casework services to delinquents and children in need of supervision.
City of Fairfield 4701 Gary Avenue Fairfield, AL 35064 Grant # DB-93-03-0002	\$94,000	6/23/93	6/1/93 5/31/94	Multi-jurisdictional Drug Task Force (#2). To provide a multi-jurisdictional drug task force composed of law enforcement agencies in Jefferson County.
Winston Co. Commission P. O. Box 147 Double Springs, AL 35553 Grant #DB-93-03-0003	\$20,347	7/30/93	7/1/93 6/30/94	Drug Abuse Resistance Education (#1). To provide a drug abuse education program for the city and county school system in Winston County.
Winston Co. Commission P. O. Box 146 Double Springs, AL 35553 Grant #DB-93-03-0004	\$100,000	7/30/93	7/1/93 6/30/94	Multi-jurisdictional Drug Task force (#2). To provide a multi-jurisdictional drug task force composed of law enforcement agencies in Winston and Marion counties.
Walker Co. Commission P. O. Box 1447 Jasper, AL 35502 Grant #DB-93-03-0008	\$134,828	7/30/93	8/1/93 7/31/94	Multi-jurisdictional Drug Task Force (#2). To provide a multi-jurisdictional task force from resources of county and municipal law enforcement agencies within Walker County. This task force will operate with the existing regional drug unit to impact the sale of drugs in Walker County.
Shelby Co. Commission Shelby Co. Courthouse Columbiana, AL 35051 DB-93-03-0009	\$193,475	11/17/93	11/1/93 10/31/94	Multi-jurisdictional Drug Task Force (#2). To provide multi-drug unit fro Shelby County in order to apprehend those engaged in illegal drug activities.
Blount Co. Commission Blount Co. Courthouse Oneonta, AL 35121 DB-93-03-0010	\$135,360	11/17/93	11/1/93 10/31/94	Multi-jurisdictional Drug Task Force (#2). To provide a multi-jurisdictional drug task force in St. Clair and Blount County. The purpose of this task force is to interdict drug trafficking in the two-county area.

SUBGRANTEE	AWARD AMOUNT	AWARD DATE	BEGINNING AND ENDING DATES	PROGRAM TITLE AND PURPOSE
Etowah Co. Commission 800 Forrest Ave. Gadsden, AL 35901 Grant #DB-93-04-0001	\$21,227	7/12/93	8/1/93 7/31/94	Drug Abuse Resistance Education (#1). To provide drug abuse resistance education for the Etowah County School System.
City of Anniston P. O. Box 670 Anniston, AL 36202 DB-93-04-0003	\$103,273	9/27/93	10/1/93 9/30/94	Multi-jurisdictional Drug Task Force (#2). To provide a multi-jurisdictional drug task force composed of several law enforcement agencies in Calhoun County.
City of Montgomery P. O. Box 1111 Montgomery, AL 36101 Grant #DB-93-05-0001	\$138,710	7/7/93	7/1/93 6/30/94	Drug Prosecution/Asset Forfeiture (#8). To provide a drug prosecution and asset forfeiture program through the Montgomery County District Attorney's Office and against those engaged in the illegal drug trade.
Pike Co. Commission P. O. Box 1008 Troy, AL 36081-1008 Grant #DB-93-05-0002	\$175,000	7/7/93	7/1/93 6/30/94	Multi-jurisdictional Drug Task Force (#2). To provide the 12th Judicial Circuit a drug task force made up of all law enforcement agencies in the Coffee County, Pike County, and District Attorney's Jurisdiction.
Autauga County Commission P. O. Box 89 Prattville, AL 36067 Grant #DB-93-05-0004	\$164,500	8/17/93	9/1/93 8/31/94	Multi-jurisdictional Drug Task Force (#2). To provide a multi-jurisdictional drug task force in Autauga, Chilton, and Elmore Counties. Headed by a special prosecutor, this task force is designed to apprehend, prosecute, and incarcerate those engaged in illegal drug activities.
City of Greenville P. O. Box 158 Greenville, AL 36037 Grant #DB-93-05-0005	\$20,778	9/27/93	11/1/93 9/30/94	Drug Abuse Resistance Education (#1). To provide a D.A.R.E. Program for the Butler County School System.

SUBGRANTEE	AWARD AMOUNT	AWARD DATE	BEGINNING AND ENDING DATES	PROGRAM TITLE AND PURPOSE
City of Greenville P. O. Box 158 Greenville, AL 36037 DB-93-05-0006	\$122,431	9/27/93	10/1/93 9/30/94	Multi-jurisdictional Drug Task Force (#2). To provide a multi-jurisdictional drug task force for Butler, Lowndes and Crenshaw Counties. This unit is made up of a special prosecutor working for the task force.
Baldwin Co. Commission P. O. Box 1488 Bay Minette, AL 36507 Grant # DB-93-06-0001	\$141,000	6/23/93	6/1/93 5/31/94	Multi-jurisdictional Drug Task Force (#2). To provide a multi-jurisdictional task force combining all law enforcement agencies and the Baldwin County Prosecutor's Office. This effort will attack drug trafficking and provide prosecutorial expertise in adjudicating drug offenders.
City of Mobile P. O. Box 1827 Mobile, AL 36633 Grant #DB-93-06-0002	\$250,000	7/7/93	7/1/93 6/30/94	Multi-jurisdictional Drug Task Force (#2). To provide a multi-jurisdictional drug task force combining all law enforcement agencies and the Mobile County Prosecutor's Office. The purpose of this task force is to investigate, apprehend, and adjudicate drug offenders.
Mobile Co. Commission P. O. Box 1443 Mobile, AL 36601-1443 Grant #DB-93-06-0003	\$63,750	7/7/93	7/1/93 6/30/94	SE AL Narcotics Intelligence Program (#16). To provide funds for a program to collect, decipher, and coordinate narcotics information from all local, state, and federal agencies in South Alabama, Northwest Florida, and Southern Mississippi.
City of Jackson P. O. Box 1096 Jackson, AL 36545 Grant #DB-93-06-0005	\$106,314	8/17/93	9/1/93 8/31/94	Multi-jurisdictional Drug Task Force (#2). To provide a multi-jurisdictional drug task force comprised of all the law enforcement agencies in Washington, Choctaw and Clark counties.

SUBGRANTEE	AWARD AMOUNT	AWARD DATE	BEGINNING AND ENDING DATES	PROGRAM TITLE AND PURPOSE
City of Dothan P. O. Box 2128 Dothan, AL 36302 Grant # DB-93-07-0001	\$250,000	6/23/93	6/1/93 5/31/94	MultiJurisdictional Drug Task Force (#2). To provide a multiJurisdictional task force combining the efforts of the law enforcement agencies in Henry, Houston, and Covington Counties.
City of Eufaula 545 E. Barbour St. Eufaula, AL 36027 Grant # DB-93-07-0002	\$90,000	6/23/93	6/1/93 5/31/94	MultiJurisdictional Drug Task Force (#2). To provide a multiJurisdictional task force combining law enforcement agencies in Bullock County and Barbour County.
City of Ozark P. O. Box 1987 Ozark, AL 36361 Grant#DB-93-07-0005	\$23,500	9/27/93	10/1/93 9/30/94	Drug Abuse Resistance Education (#1). To provide Drug Abuse Resistance Education for the City of Ozark School System.
City of Enterprise P. O. Box 1160 Enterprise, AL 36311-1160 Grant #DB-93-07-0006	\$30,926	8/17/93	9/1/93 8/31/94	Drug Abuse Resistance Education (#1). To provide a D.A.R.E. Program for the City of Enterprise School System.
Dale County Commission P. O. Box 246 Ozark, AL 36361 DB-93-07-0007	\$53,910	11/30/93	12/1/93 11/30/94	Criminal Intelligence Program (#16). To provide funds fro a program to collect, decipher, and coordinate narcotic information from all local, state and federal agencies in the Middle District of Alabama and Southwest Georgia.
City of Dothan 210 N. St. Andrews St. Dothan, AL 36303 DB-93-07-0009	\$70,688	1/26/94	1/1/94 12/31/94	Electronic Monitoring (#11). To provide a program for additional juvenile correctional resources thereby improving the juvenile correctional system in Houston County.
City of Dothan P. O. Box 2128 Dothan, AL 36302 DB-93-07-0008	\$30,926	1/26/94	1/1/94 12/31/94	Drug Abuse Resistance Education (#1). To provide a D.A.R.E. program for the City of Dothan School System.

SUBGRANTEE	AWARD AMOUNT	AWARD DATE	BEGINNING AND ENDING DATES	PROGRAM TITLE AND PURPOSE
City of Dothan 210 N. St. Andrews St. Dothan, AL 36303 DB-93-07-0009	\$70,688	1/26/94	1/1/94 12/31/94	<u>Electronic Monitoring (#11).</u> To provide a program for additional juvenile correctional resources thereby improving the juvenile correctional system in Houston County.
City of Dothan P. O. Box 2128 Dothan, AL 36302 DB-93-07-0008	\$30,926	1/26/94	1/1/94 12/31/94	<u>Drug Abuse Resistance Education (#11).</u> To provide a D.A.R.e. program for the City of Dothan School System.
AL Sheriff's Association 514 Washington Ave. Montgomery, AL 36104 Grant # DB-93-10-0003	\$87,412	4/22/93	3/15/93 3/14/94	<u>Jail Assistance (#11).</u> The project will provide for the development of policies and procedures for the operation and management of a constitutional jail facility in the State of Alabama.
AL Dept. of Forensic Sciences P. O. Box 3510, Wire Road Grant # DB-93-10-0004	\$275,000	4/22/93	4/1/93 3/31/94	<u>Pre-Trial Drug Detection (#1a).</u> To enable the Dept. of Forensic Sciences to collect intelligence data on criminal drug activity within the State of Alabama.
AL Dept. of Youth Services P. O. Box 66 Mt. Meigs, AL 36057 Grant # DB-93-10-0006	\$152,877	4/22/93	1/1/93 12/31/93	<u>Drug Treatment Program for Juvenile Offenders (#1).</u> The overall goal of this program will be to reduce juvenile crime in Alabama by identifying and treating those youth committed to DYS with severe drug and Alcohol dependency.
AL Dept. of Public Safety P. O. Box 1511 Montgomery, AL 36102-1511 Grant # DB-93-10-0007	\$500,000	6/23/93	6/1/93 5/31/94	<u>Multijurisdictional Drug Task Force (#2).</u> To enable Alabama Dept. of Public Safety to investigate drug violations from mid-level and up in the State of Alabama.

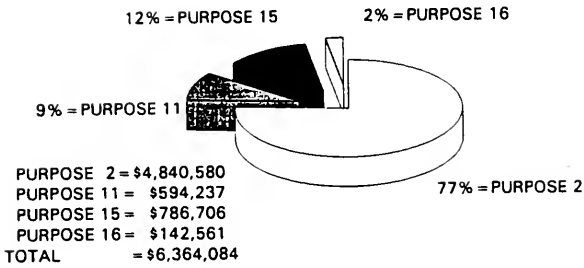
SUBGRANTEE	AWARD AMOUNT	AWARD DATE	BEGINNING AND ENDING DATES	PROGRAM TITLE AND PURPOSE
AL Alcoholic Beverage Control Board 2715 Gunter Park Drive, W Montgomery, AL 36109 Grant #DB-93-10-0008	\$402,32	6/23/9	6/1/93 5/31/94	MultiJurisdictional Drug Task Force (#2). The ABC Board's main goal is to assist the state of Alabama in their fight against drug dealers.
AL Dept. of Corrections 50 Ripley St. Montgomery, AL 36130 Grant #DB-93-10-0009	\$414,009	7/7/93	8/1/93 7/31/94	Treatment (#13). To provide a drug treatment program for inmates in Alabama prisons.
AL Criminal Justice Info Center 770 Washington Ave. DB-93-10-0010	\$344,200	7/30/92	10/1/92 9/30/93	Multiagency Info/Dispo System (#15a). Alabama Criminal Justice Information Center in a cooperative endeavor with the Department of Public Safety and the Administrative Office of Courts will obtain complete criminal disposition for all open arrests in 1987.

REPORT PRINTED
AS OF 9/2/93

ALABAMA UTILIZATION OF
ANTI-DRUG FUNDS

JULY 1, 1992
THROUGH
JUNE 30, 1993

FUNDS AWARDED BY BJA PURPOSE



SUBGRANTEE	CASES INITIATED	ARRESTS TOTAL	MARIJUANA ORAMS	DRUG TASK FORCE ACCOMPLISHMENTS		REPORTING PERIOD: 4-1-93 THRU 6-30-93		PLANTS ERADICATED	VALUE ESTIMATED	TOTAL VALUE ESTIMATED	
				COCAINE ORAMS	CRACK ORAMS	VALUE ESTIMATED	OTHERS P.L.S. ETC.				
1 ABC BOARD	98	18	1,548.86	610,823.00	90	64,875.00	283.88	613,500.00	200	62,000.00	65,720,988.00
2 ANNISTON, CITY OF	73	85	3,210.00	432,010.00	392	647,040.00	118.75	614,250.00	205	6970.00	6307,870.00
3 ATHENS, CITY OF	34	21	208.77	4948.00	6.5	6950.00	2.22	6270.00	14	655.00	653,921.00
4 AUSTAUGA COUNTY	57	12	83.10	4480.00	9.6	6860.00	0.9	690.00		6,774	613,548.00
5 BALDWIN COUNTY	108	83	5,085.70	620,550.00	4.5	6400.00	1.75	6180.00	30	6300.00	615,078.00
6 BLOUNT COUNTY	28	18	244.00	4420.00	0.01	610.00					6427,410.00
7 BREWERTON, CITY OF	21	19	15.00	6150.00							6430.00
8 COLUMBIA COUNTY	28	8	89.50	4450.00			55.5	62400.00	102	6110.00	63,678,150.00
9 CULLMAN, CITY OF	59	59	787.00	43,735.00	26.26	61,235.00	28	61,500.00	272	680.00	64,760.00
10 DOTHAN, CITY OF	190	185	748.40	83,408.00	1	6100.00	80.2	615,384.00	80	6100.00	6778,982.00
11 EUFALA, CITY OF	23	25	7.00	6200.00			4296	61,850.00	40	645.00	6890,008.00
12 FAIRFIELD, CITY OF	40	28	164.00	6940.00	13.13	61,313.00	8.79	6880.00	254	61,270.00	618,000.00
13 FLORENCE, CITY OF	41	10	22.86	619,183.00	1004.22	6100,422.00			146	6730.00	61,590,400.00
14 GREENVILLE, CITY OF	17	10	42.88	6300.00			148.1	614,810.00	10	650.00	65,070,000.00
15 JACKSON, CITY OF	64	14	762.80	64,380.00	0.3	625.00	42.7	65,550.00	42.7	650.00	63,161,985.00
16 LAWRENCE COUNTY	39	8	100.00	61,000.00	2	6200.00	5	6500.00	20	6170.00	68,000.00
17 LIMESTONE COUNTY	23	15	85.00	6480.00	11.5	619,450.00			5	6100.00	620,000.00
18 MADISON COUNTY	125	107	18,575.12	6131,040.00	7.34	6750.00	181.2	619,102.00	1180	68600.00	6867,482.00
19 MARSHALL COUNTY	72	78	885.03	65,562.14	10.89	62,120.00			500	63,500.00	6128,182.14
20 MOBILE, CITY OF	211	188	6,873.80	639,054.00	18,228	61,823.00	151.43	648,455.00	100	61,844.00	6198,778.00
21 MOBILE COUNTY	18	28	6,000.00	629,400.00			80	69,000.00			638,400.00
22 MONTGOMERY, CITY OF	13	12	13.00	6130.00			4.7	6470.00			6800.00
23 MORGAN COUNTY	86	75	23,223.00	634,815.00			30.3	63,000.00	188	6838.00	652,451.00
24 PIKE COUNTY	100	85	1,145.42	67,987.00			7.855	64,919.28		480	6860,000.00
25 PUBLIC SAFETY, DEPT	59	44	138,108.00	6488,120.00	3393	6145,740.00			200	61,100.00	6666,276.00
26 ROANOKE, CITY OF	28	26	30.82	6310.00			1.087	6131.00		420	6630,000.00
27 SHELBY COUNTY	70	11	2,614.76	618,784.71	28.35	61,000.00	28.65	64,775.00		347	6694,000.00
28 TUSCALOOSA, CITY OF	133	133	65,181.01	6285,816.00	2158	687,530.00	1225.31	6119,485.00	5	650.00	6718,638.71
29 WALKER COUNTY	38	21	1,197.17	68,880.00	55.18	6230.00	2.84	6385.00	146	6828.00	65,738,404.00
30 WINSTON COUNTY	80	54	2,882.88	618,387.00					114	6450.00	61,284,837.00
TOTALS	1,971	1,418	280,880.37	61,102,470.85	7,244.07	6415,673.00	6,814.74	6285,686.28	3,780.00	628,568.00	634,888,278.41
POUNDS			619.59		15.97		15.03				

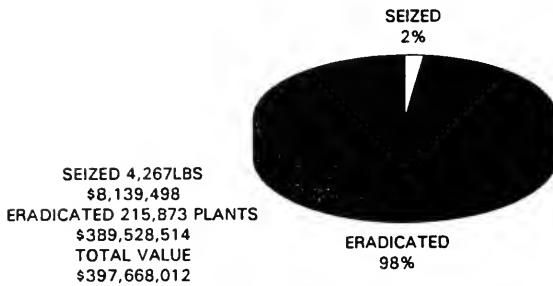
DRUG TASK FORCE ACCOMPLISHMENTS FOR QUARTER ENDING JUNE 30, 1993																
SUBGRANTEE	CASH SEIZED	REAL PROPERTY	VALUE ESTIMATED	VEHICLES		VALUE		WEAPONS		ESTIMATED		OTHERS	TOTAL VALUE OF SEIZURES	FORFEITURES RE ASSETS	FORFEITURES RE TOTALS	FORFEITURES SPENT
				VALUE	ESTIMATED	VEHICLES	VALUE	WEAPONS	ESTIMATED							
1 ABC BOARD	1959.00			5	\$11,000.00	2	\$150.00					\$12,109.00	\$1,500.00	\$1,075.84	\$0.00	
2 ANNISTON, CITY OF	\$2,448.90			3	\$11,000.00	1	\$50.00					\$12,498.90	\$1,500.00	\$12,595.04	\$1,782.18	
3 ATHENS, CITY OF				1	\$3,000.00							\$3,000.00		\$0.00		
4 AUTAUGA COUNTY	1582.00	10	\$20,000.00	1	\$10,000.00	8	\$1,300.00					\$30,982.00		\$0.00		
5 BALDWIN COUNTY	\$3,920.00			1	\$800.00							\$6,020.00		\$0.00		
6 BLOUNT COUNTY	\$2,284.43			2	\$5,000.00	1	\$150.00					\$6,434.43		\$0.00		
7 BREWTON, CITY OF				2	\$12,000.00							\$12,000.00		\$0.00		
8 COLBERT COUNTY				1	\$1,000.00							\$1,000.00		\$0.00		
9 CULLMAN, CITY OF	\$700.00	1	\$78,000.00	1	\$2,500.00	2	\$500.00					\$81,700.00	\$3,500.00	\$42,705.00	\$61,894.00	
10 DOTHAN, CITY OF	\$2,158.00			4	\$7,500.00	3	\$350.00					\$10,008.00	\$4,470.04	\$850.00	\$5,956.78	
11 EUFAULA, CITY OF	\$882.27											\$1,282.27	\$2,800.00		\$1,341.02	
12 FAIRFIELD, CITY OF	\$7,347.00			2	\$1,400.00	12	\$1,125.00					\$9,882.00	\$2,811.00	\$2,811.00	\$11,466.87	
13 FLORENCE, CITY OF	\$4,348.00			1	\$4,000.00							\$8,348.00	\$10,002.35	\$11,851.12	\$11,480.87	
14 GREENVILLE, CITY OF	\$5,700.00			3	\$14,225.00							\$18,925.00	\$6,500.00	\$3,492.45	\$9,492.45	
15 JACKSON, CITY OF	\$905.00			1	\$5,500.00							\$6,405.00	\$1,000.00	\$4,287.81	\$2,000.00	
16 LAWRENCE COUNTY	\$20,000.00			1	\$4,500.00							\$24,500.00	\$760.52	\$760.52	\$760.52	
17 LIMESTONE COUNTY				4	\$15,000.00							\$15,000.00	\$1,700.00	\$1,700.00		
18 MADISON COUNTY	\$4,125.00			2	\$2,500.00	1	\$300.00					\$6,925.00	\$4,225.20	\$5,825.30	\$646.78	
19 MARSHALL COUNTY	\$2,948.34			1	\$600.00	8	\$2,800.00					\$6,048.34	\$2,535.88	\$600.00	\$1,831.80	
20 MOBILE, CITY OF	\$25,188.00			5	\$41,000.00	1	\$250.00					\$86,438.00	\$24,025.25	\$24,025.25		
21 MOBILE COUNTY	\$13,400.00			1	\$18,000.00	3	\$600.00					\$32,000.00	\$0.00	\$0.00	\$12,096.88	
22 MONTGOMERY, CITY												\$0.00	\$18.00	\$2,269.48	\$5,784.33	
23 MORGAN COUNTY	\$8,000.00					5	\$400.00					\$5,400.00		\$0.00	\$0.00	
24 PIKE COUNTY	\$4,839.00					2	\$150.00					\$5,089.00	\$22,425.31	\$22,425.31		
25 PUBLIC SAFETY, DEPT	\$28,118.00			6	\$21,300.00	2	\$750.00					\$50,188.00	\$25,115.13	\$12,158.00	\$272,188.72	
26 ROANOKE, CITY OF				4	\$5,000.00							\$11,053.00	\$8,000.00	\$8,000.00		
27 SHELBY COUNTY	\$5,093.00					10	\$2,000.00					\$11,093.00	\$7,873.00	\$10,973.00	\$741.06	
28 TUSCALOOSA, CITY OF	\$16,087.00			7	\$25,000.00							\$41,087.00	\$18,342.35	\$18,342.35	\$23,376.06	
29 WALKER COUNTY	\$2,175.00					1	\$150.00					\$2,325.00		\$0.00	\$0.00	
30 WINSTON COUNTY	\$3,000.00			3	\$21,000.00							\$24,000.00		\$0.00	\$2,188.67	
TOTALS	\$182,477.84	11	\$98,000.00	52	\$247,825.00	64	\$11,135.00	1	\$17,000.00			\$556,437.84	\$189,137.05	\$42,456.48	\$231,593.54	\$425,890.44

REPORT PRINTED
AS OF 9/3/93

ALABAMA DRUG TASK FORCE ACCOMPLISHMENTS

JULY 1, 1992
THROUGH
JUNE 30, 1993

VALUE OF MARIJUANA SEIZED

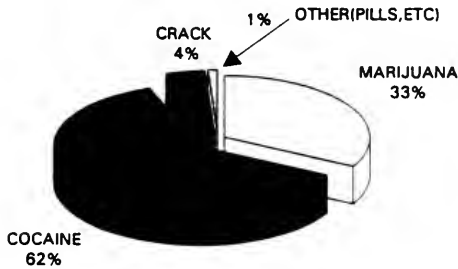


REPORT PRINTED
AS OF 9/2/93

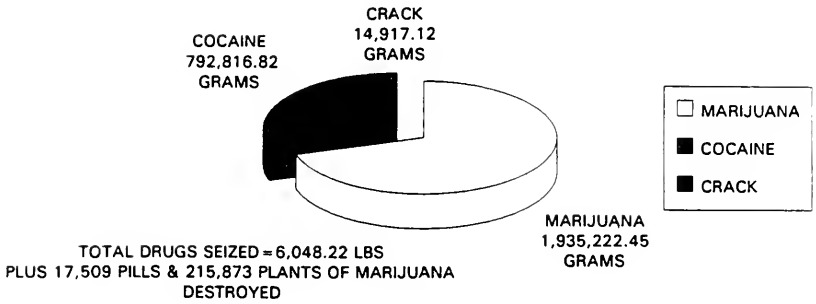
ALABAMA DRUG TASK FORCE

JULY 1, 1992
THROUGH
JUNE 30, 1993

VALUE OF DRUGS SEIZED



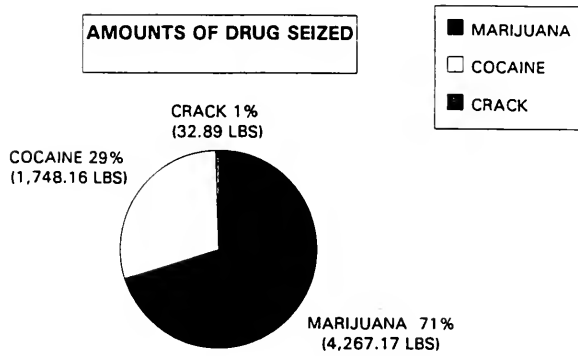
AMOUNTS OF DRUGS SEIZED



REPORT PRINTED
AS OF 9/1/93

ALABAMA DRUG TASK FORCE DATA

JULY 1, 1992
THROUGH
JUNE 30, 1993



REPORT PRINTED
AS OF 9/1/93

ALABAMA DRUG TASK FORCE DATA

JULY 1, 1992
THROUGH
JUNE 30, 1993

		ARREST DATA		
	CASES	ARRESTS		
	INITIATED	TOTAL		
	8,819	6,565		
DRUG SEIZURE DATA				
	MARIJUANA	VALUE	COCAINE	VALUE
	GRAMS	ESTIMATED	GRAMS	ESTIMATED
	1,935,222.45	\$8,139,497.75	792,816.82	\$15,356,490.20
POUNDS	4,267.17		1,748.16	
	CRACK	VALUE	OTHERS	VALUE
	GRAMS	ESTIMATED	PILLS, ETC.	ESTIMATED
	14,917.12	\$1,101,350.00	17,509	\$213,776.00
POUNDS	32.89			
	PLANTS	VALUE	TOTAL VALUE	
	ERADICATED	ESTIMATED	ESTIMATED	
	215,873	\$389,528,514.00	\$410,586,403.71	
ASSET SEIZURE & FORFEITURE DATA				
CASH	REAL	VALUE		VALUE
SEIZED	PROPERTY	ESTIMATED	VEHICLES	ESTIMATED
\$1,589,340.58	31	\$3,149,881	283	\$1,092,380
	VALUE		VALUE	TOTAL VALUE
WEAPONS	ESTIMATED	OTHERS	ESTIMATED	OF SEIZURES
309	\$57,780	6	\$19,880	\$5,894,625.93
TOTAL	TOTAL	TOTAL	TOTAL	
FORFEITURE	FORFEITURE	FORFEITURES	FORFEITURES	
CASH	ASSETS	RECEIVED	SPENT	
\$1,145,538.43	\$285,080.02	\$1,430,618.45	\$873,082.51	

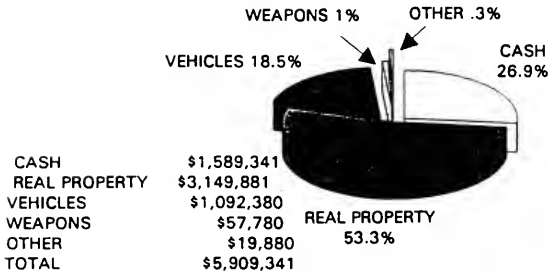
**BJA FUNDED
DRUG TASK FORCES**

REPORT PRINTED
AS OF 9/3/93

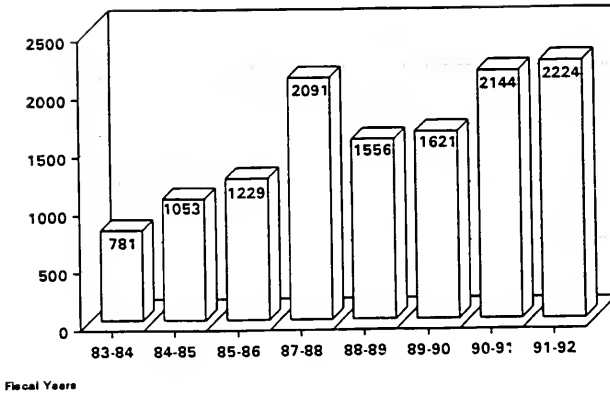
ALABAMA DRUG TASK FORCE ACCOMPLISHMENTS

JULY 1, 1992
THROUGH
JUNE 30, 1993

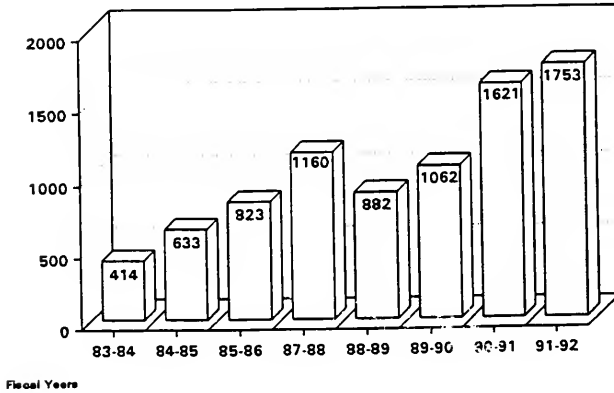
VALUE OF ASSETS SEIZED



TASC Clients Screened



TASC Clients Admitted



TASC/Supervised PreTrial Release

Screening and Release Report, 7/92-3/93

DETAINEES	BIRMINGHAM	BESSEMER	TOTAL
Screened	2988	508	3496
Total Excluded	2373	278	2651
Total Considered For Release	615	230	845
Total Released With Conditions	237	105	342

TASC/Supervised PreTrial Release

Case Management Report, 7/92-3/93

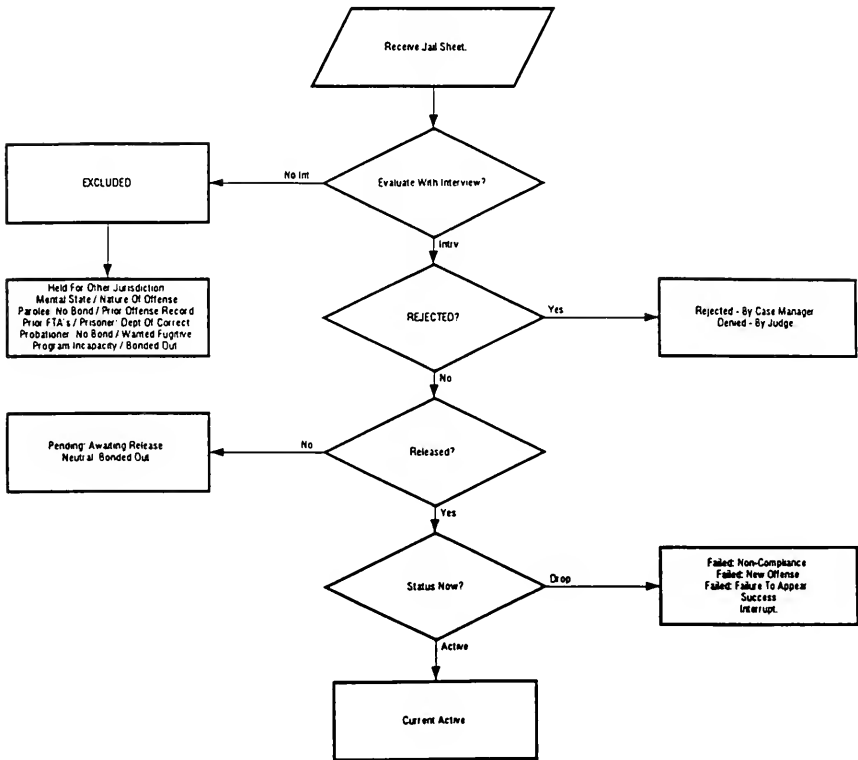
STATUS	BIRMINGHAM	BESSEMER	TOTAL
Currently active	90	55	145
Successful	79	20	99
Interrupted	8	1	9
Failed: non-compliance	42	24	66
Failed: new charges	9	4	13
Failed: failure to appear	9	1	10

TASC/Supervised PreTrial Release Financial Impact Statement

CLIENTS, DAYS	7/92 - 3/93
Total Active Clients	342
Total Days	24,240
Total Savings To County	\$846,218.40*
Annualized Savings (12 months)	\$1,057,772.00
Current Budget	\$156,198.00
NET SAVINGS	\$901,574.00

*based on # days times \$34.91 per day for 9 months.
Does not account for fixed vs. incremental costs
nor any capital construction costs avoided.

TASC Supervised Pretrial Release Services - CASE FLOW



DRUG NEWSLETTER

ALABAMA DEPARTMENT OF FORENSIC SCIENCES

Vol. I, No. 3

August 1993

For the period October 1, 1992 - June 30, 1993, 13,467 drug cases have been submitted to ADFS for analysis. This represents an increase of 1521 cases over the same period last year. During the month of July drug chemists completed analysis on 1374 cases which have been submitted. The following summary lists the findings of those cases analyzed in July.

<u>ITEMS ANALYZED</u>	<u>RESULTS</u>	<u>QUANTITY</u>
1537	Marihuana	34162.35g (75.25#)
1967	Cocaine (base)	1430.526 g (3.15#)
102	Cocaine Hydrochloride	2613.448 g (5.75#)
4	LSD	18 units
17	Methamphetamine	83.589 g
	<u>OTHER STIMULANTS</u>	
5	Phentermine (Ionamin, etc.)	89 units
3	Benzphetamine (Didrex)	19 tablets
	<u>NARCOTIC/ANALEGICS</u>	
25	Acetaminophen/Hydrocodone	235 tablets
3	Codeine	55 tablets
1	Codeine Cough Syrup	30 mL
11	d-Propoxyphene (Darvon)	68 tablets
38	Pethidine (Demerol)	44 units
9	Hydromorphone (Dilaudid)	37 tablets
5	Hydromorphone (Dilaudid)	200 mL
3	Acetaminophen/Oxycodone	47 tablets
1	Methadone	180 mL
	<u>BENZODIAZEPINES</u>	
20	Alprazolam (Xanax)	336 tablets
19	Diazepam (Valium)	274 tablets
1	Diazepam (Valium)	5 mL
3	Others (Librium, Ativan, etc.)	23 units
	<u>SEDATIVE/HYPNOTICS</u>	
3	Ethchlorvynol (Placidyl)	3 capsules
1	Butalbital (Fiorinal, Esgic)	3 tablets

Drug trends statewide continue about the same. There were no unusual encounters with foreign preparations this month. The use of methamphetamine statewide continues to bear watching.

CAUTION: *This publication is restricted
to law enforcement use only.*

Tuscaloosa Laboratory

In December 1992, agents of the Alabama Department of Public Safety Narcotics Division initiated an investigation focusing on an organization distributing marihuana in the west Alabama area. The initial seizure began with a 1/4 pound seizure from a University of Alabama student. Based upon additional investigation with assistance by the West Alabama Narcotics Squad, agents seized approximately 375 pounds of marihuana over the next 3 months.

The investigation revealed that marihuana was being brought into Alabama from Houston, Texas, in a false gas tank of a van. Upon arrival in Tuscaloosa, the marihuana was stored at a mini-storage warehouse facility where it was packaged for distribution. The marihuana was then transported to various dealers in video poker machines.

As a result of the investigation, 3 people in Houston, Texas, have been arrested. In Alabama, agents are to charge 11 individuals with trafficking in controlled substance and 3 with possession of marihuana.

Montgomery Laboratory

Three separate cases, each containing an off-white, rock-like substance sold as "crack" cocaine, were submitted for analysis. The samples were identified as a mixture of melted wax and flour.

Statewide, the most frequently encountered samples of counterfeit "crack" cocaine are found to be paraffin which may be purchased at the grocery store.

Other counterfeit samples of "crack" cocaine have proven to be mixtures of aspirin, acetaminophen, and caffeine. Aspirin, acetaminophen, and caffeine are the active ingredients of Goody's Headache Powders.

NEW DRUG

A new drug, not yet identified in Alabama, has been encountered in at least twelve different clandestine laboratories primarily in the upper peninsula of Michigan. Most recently the Drug Enforcement Administration reports a lab from the Seattle, WA, area. The new drug is methcathinone or ephedrone. The street name of the drug is "JEFF" or "CAT". The street name "CAT" is probably given because of the close chemical relationship to cathinone, the active drug ingredient of khat (a plant which grows wild and is also cultivated in certain parts of Africa and in the southern portion of the Arabian peninsula).

Methcathinone has been a major drug of abuse in Russia and is responsible for numerous drug overdose deaths in that country. The drug is a central nervous system stimulant with properties similar to those exhibited by methamphetamine. Methcathinone is a white

powder but reaction vessels where methcathinone is being manufactured may contain liquid with a dark brown to black appearance.

Two methods have been used for the manufacture of methcathinone. As with the manufacture of methamphetamine, the starting chemical is ephedrine. In this country ephedrine is dissolved in water. Potassium dichromate is dissolved in concentrated sulfuric acid (caution should be used when mixing dichromate and sulfuric acid since there is the possibility of explosion if mixed too rapidly). The water solution of ephedrine and the potassium dichromate in sulfuric acid are then mixed and stirred for approximately 24 hours. The mixture is then cooled and various extractions are conducted resulting in methcathinone.

The method which has been used in Russia calls for the mixing of ephedrine, potassium permanganate, acetic acid, water, and methylene chloride and stirring for approximately 1 hour. Sodium bisulfite is added until the solution is clear and a series of extractions are made to obtain the methcathinone. This procedure has been conducted in the Auburn laboratory and can be completed in approximately 4 hours.

This information is provided for the narcotics officer who may encounter this very simple clandestine laboratory operation or be approached to buy "JEFF" or "CAT" on the street.

SOUTH ALABAMA NARCOTICS INTELLIGENCE PROGRAM

S.A.N.I.P

Mobile County
Sheriff's Office
Tom Purvis, Sheriff
(205) 690-8630

William J. Warner, Director
One Office Park, Suite 211
Mobile, AL 36609
(205) 694-6402

TRENDS IN THE TRAFFIC

Fourth Quarter FY 1992

October 1, 1992

Volume I, No. 1

South Alabama Narcotics Intelligence Program (SANIP) was initiated on July 1, 1992. The primary goal is to establish an intelligence program to collect, analyze, coordinate and distribute narcotic related information provided by local, state and federal enforcement agencies. This will encompass identification of major drug traffickers and organizations, assist in seizing drugs and assets, and aid in major investigations to immobilize major drug organizations.

SANIP TRENDS IN THE TRAFFIC is a strategic intelligence publication. Its purpose is to provide a comprehensive assessment of illicit drug traffic in the Southern District of Alabama and surrounding areas. The quarterly TRENDS IN THE TRAFFIC publication is intended to provide law enforcement organizations with information essential to formulate drug control programs and foster liaison between law enforcement organizations in south Alabama, Mississippi, Louisiana and north Florida.

COCAINE

Cocaine hydrochloride and crack cocaine continue to be the drug of choice for users in south Alabama. Crack cocaine trafficking and abuse remains a serious problem for all law enforcement agencies in south Alabama and throughout the United States. Large scale interstate trafficking networks controlled by Colombians, Jamaicans and black drug trafficking groups dominate the manufacture and distribution of crack. Prices for this highly addictive form of cocaine base have remained stable and purities have remained at high levels since the drug became prevalent in the mid 1980s.

Crack is sold in the form of rocks, slabs and cookies. Crack prices range from \$10 to \$30 per rock, \$75 to \$100 per slab and \$1,000 to \$1,200 per ounce.

South Florida continues to be a major source and distribution area for cocaine. Conecuh, Escambia and Baldwin counties in Alabama report much of the cocaine in their area is coming from Pensacola FL. Law enforcement agencies in south Alabama, Mississippi, Louisiana and north Florida report most of the cocaine available on the street is coming from the Houston TX area. Cocaine continues to be sold in powder form and compressed bricks in kilograms, and one half kilograms. Prices for kilogram quantities of cocaine with purity levels above 80% range from \$20,000 to \$25,000 per kilogram in south Florida and \$27,000 to \$30,000 in south Alabama and north Florida.

* * August 4 - One defendant was arrested in Mobile AL after receiving a UPS package from Detroit MI containing one pound of crack cocaine. The defendant had received several packages of cocaine by this method during the past year. The defendant transported drug money via commercial airlines from Mobile AL to Detroit MI. The defendant then obtained pound quantities of crack cocaine from the source of supply and shipped self addressed UPS packages containing cocaine to Mobile AL. The source of supply was arrested in Detroit MI.

* * August 20 - One defendant was arrested in Mobile AL when he attempted to pick up a US Postal Service package containing ten ounces of crack cocaine mailed to a coconspirator's residence.

The suspect received several shipments of cocaine in this manner in the past year. The source of supply is Los Angeles CA.

* * August 26 - Twelve defendants were arrested in Selma AL for conspiracy and distribution of crack cocaine. The cocaine and drug money was transported between Selma AL and Miami FL by couriers via Greyhound buses and private vehicles. The source of supply is in Miami FL.

* * September 2 - Six defendants were arrested for conspiracy and distribution of crack cocaine in Clarke, Monroe and Wilcox Counties. This group was a major crack cocaine distributor in that area. The source of supply is Houston TX.

* * September 10 - Fourteen defendants were indicted for conspiracy and distribution of approximately 50 kilograms of cocaine in south Alabama and Mississippi. Drug money and drugs were transported by couriers using commercial airlines, US Postal Service and private vehicles. The source of supply is in Los Angeles CA.

* * January '92 - Twenty defendants were arrested for conspiracy and distribution of multi kilogram quantities of crack cocaine in the greater Mobile area. The source of supply was four Colombians and a Puerto Rican residing and operating in Houston TX. Drug money was transported from Mobile AL to Houston TX via commercial airlines and Western Union. Drugs were transported by courier from Houston TX to Mobile AL via Greyhound buses for distribution to dealers in the area. Two of these defendants received life sentences without parole.

* * February '92 - Fourteen defendants were indicted for conspiracy and distribution of over 50 kilograms of crack cocaine in Mobile AL and Houston TX. This trafficking organization was distributing multi ounce quantities from seven different locations in the Mobile AL area. Drug money was transported from Mobile AL to the source of supply in Houston TX by private vehicles. Kilogram quantities of cocaine were transported by courier

via Greyhound buses from Houston TX to Mobile AL. Ten defendants were convicted in Federal District Court in Mobile AL and three of these defendants have received life sentences without parole for their activities in the operation. Approximately \$1.8 million has been forfeited to the government in this case. Trials continue in this matter and two of the sources of supply in Houston TX remain federal fugitives.

MARIJUANA

Marijuana continues to be the most used/abused illegal drug in the United States. Supplies in south Alabama remain at a comparatively low level, but the demand for the drug continues. Prices for commercial-grade marijuana range from \$1,000 to \$1,200 per pound wholesale and \$1,500 to \$2,000 per pound retail. Prices for sinsemilla range from \$2,000 to \$2,500 per pound wholesale and \$2,500 to \$3,000 per pound retail.

Intelligence reports from south Alabama and Florida indicate increased law enforcement pressure by federal, state and local agencies has reduced the bulk quantities of marijuana smuggled during the first three quarters of FY 92. The source countries for marijuana are the United States, Mexico, Jamaica and Colombia. Jamaica also continues to be a source of hashish and hashish oil. Law enforcement officers in Louisiana, Mississippi, south Alabama and Florida report much of the marijuana available is imported from Mexico through Texas. Intelligence reveals 25 to 100 pound lots of marijuana are being transported to south Alabama via Greyhound buses, rental and private vehicles from Texas.

* * July 30 - Eight defendants were arrested for conspiracy and distribution of multi pound quantities of marijuana and multi ounce quantities of cocaine in Mobile, Monroe, Clarke and Wilcox counties. The source of supply was in Houston and McAllen TX. Members of this trafficking organization utilized commercial airlines, rental and private vehicles to transport drug money to Texas and drugs from Texas to Mobile AL and other southern counties in Alabama.

Domestic marijuana cultivation is a national problem that has magnified and become sophisticated over the last several years. An estimated 25% of marijuana consumed in the United States is produced domestically. Marijuana cultivation continues to be a serious problem throughout Alabama. This is a dangerous drug that reaps tremendous profits for the traffickers. Alabama is consistently listed in the top ten states eradicating the largest number of marijuana plants in the nation. Alabama continues to have a very successful domestic cannabis eradication suppression program which combines the efforts of the National Guard, federal, state and local law enforcement officers. 237,531 marijuana plants have been eradicated in Alabama this year to date. This is a 45% increase in marijuana eradicated for the whole year of 1991 (163,294 plants). The thirteen counties in the Southern District of Alabama report eradicating marijuana plants in their area for 1992 as follows:

Baldwin	2,531	Choctaw	2,662
Clarke	2,760	Conecuh	1,354
Dallas	982	Escambia	2,381
Hale	4,856	Marengo	26
Mobile	426	Monroe	5,140
Perry	8,922	Washington	337
Wilcox	2,505		

DANGEROUS DRUGS

LSD (Lysergic Acid Diethylamide), a hallucinogen, is produced in clandestine laboratories and is distributed from the San Francisco Bay area throughout the United States. LSD is available in tablet form (microdots), thin squares of gelatin (window panes) or put onto prepared paper (blotter paper). Blotter paper is currently the most frequently encountered form in south Alabama. LSD is available in south Alabama, Mississippi, Florida and Louisiana and is a popular drug with young adults. Wholesale prices range from \$1.00 to \$2.00 per hit. Retail prices range from \$3.00 to \$6.00 per hit.

* * September 1 - One defendant was arrested for possession of 1400 hits of LSD seized during the execution of a

search warrant. Intelligence reveals a subject transported 3000 hits of LSD from San Francisco CA to Mobile AL for distribution. The LSD seized in this case was part of the 3000 hits being distributed. Transportation for these drugs were successfully made via commercial airlines.

METHAMPHETAMINE, a central nervous system stimulant, commonly known as "speed", is available in the greater Mobile AL and north Florida area. The Orlando FL DEA office reports an increase in operations of clandestine laboratories for methamphetamine in the isolated areas of central Florida.

* * September 11 - Three defendants were arrested (2 females and 1 male) after transporting two kilograms of methamphetamine via commercial airlines from San Bernardino CA to Mobile AL. The defendants were arrested while meeting undercover agents in a local motel. The defendants attempted to sell the meth for \$29,000 per kilogram.

ANABOLIC STEROIDS, a synthetically produced variant of the natural male hormone testosterone, is primarily abused by athletes, such as weight lifters, body builders, and football players, who want to increase muscle bulk, strength and body growth. These drugs have been a Schedule III controlled drug since February 27, 1991.

* * July 21 - Two defendants were arrested in Mobile AL after they sold steroids to undercover officers. The source of supply is in Mexico. The drugs were imported from Mexico via Texas to the Mobile area.

HIGHWAY INTERDICTION

* * July 22 - Texas Department of Public Safety seized 918 grams of crack cocaine on eastbound I-10 in Jefferson County. The vehicle was registered to a Mobile AL resident who was not present at the time of the seizure. The occupants of the vehicle were two black male residents of Mobile AL. A consent search revealed the crack in a ziploc bag on the backseat under some clothes.

* * September 5 - Harrison County Mississippi Sheriff's Dept. seized \$988,900 on eastbound I-10 from a rented Ford van with Florida tags. The occupant was a resident of Miami FL enroute to Houston TX. The currency, in two boxes in the rear of the van, was revealed during a search.

* * September 9 - \$30,000 was seized from a suspect during a routine traffic stop on I-65 in Mobile AL by a state trooper. Pursuant to the stop a small amount of marijuana was seized from the occupant and the subject was placed under arrest. The vehicle was towed to the trooper station and inventoried. The money was found concealed behind the bedliner of the pickup truck. The defendant stated he was enroute from Chamblee GA to New Orleans LA.

* * September 18 - In Baldwin County AL two defendants were arrested traveling west on I-10 after being stopped for traffic violations. A routine car check revealed 2.5 kilograms of cocaine in the trunk of the rental vehicle. Intelligence indicates the cocaine was transported by a courier from Miami FL to Pensacola FL via commercial airlines. The cocaine was then turned over to the defendants to transported to Mobile AL for distribution in the Mobile area. One of the defendants had been arrested previously in March '92 for possession of cocaine and \$9,000 was seized at that time. It should be noted that this defendant is a parolee from the state of Georgia for a cocaine conviction.

* * September 19 - Florida Highway Patrol seized \$1.7 million on eastbound I-10 in Pensacola FL from the trunk of a rented Lincoln Towncar. The occupants were all residents of Miami FL, one Cuban female and two Israeli national males. A federal search warrant was executed which revealed 3 black duffle bags of money (180 pounds in small bills) in the trunk of the vehicle. The money was being

transported from Houston TX to an unknown destination in Miami FL.

FACTS OF INTEREST

The Bureau of Alcohol, Tobacco, and Firearms (ATF) has seen a large increase in investigations involving convicted felons in possession of firearms. The Mobile office has had 30 Triggerlock cases this year to date. Project Triggerlock targets armed criminals, utilizing the tough penalties contained in federal firearms laws. The program emphasizes the use of federal firearm statutes against repeat offenders. The Mobile office reports eighteen of these arrest have involved drug related firearms charges.

PROSECUTION

Local, state and federal law enforcement agencies throughout Alabama report that federal prosecution of major drug traffickers has enhanced efforts and is having a positive impact on the drug problems in the state. The reason for this success is aggressive prosecution, pre-trial detention, stiffer prison sentences, no parole and speedy trials. In federal court one life sentence without parole is imposed every ten days on major drug traffickers according to the Department of Justice.

For more information regarding events depicted in this report or any assistance you need from SANIP call Bill Warner, Director or Merlynn Glatfelter at (205) 694-6402. We are here to serve.

SANIP is funded by Mobile County Sheriff's Office and ADECA/Law Enforcement Planning Division Grant # DB-92-06-0003.

TRENDS IN THE TRAFFIC 10/01/92

SANIP
One Office Park, STE 211
Mobile, AL 36609

Mr. CONDIT. Thank you, Mr. Timmons.

For the next witness, I would like to yield to Mr. Stupak to make the introduction.

Mr. STUPAK. Thank you, Mr. Chairman.

Mr. Chairman, it is my pleasure to introduce Ardith DaFoe. We go back some time when she was a police officer with Lansing City Police Department at the same time I was stationed in Lansing with the Michigan State Police. We both went on to law school, went to Cooley Law School in Lansing, night school, as we were both police officers at the time.

She is currently director of the Drug Law Enforcement Division of the Michigan Office of Drug Control Policy. Michigan has unique drug task force teams that Ardith has headed up since 1988. It combines Michigan State Police officers with county, local, and township officials to put up a drug task force. I look forward to hearing from her.

Ardith, welcome to Washington. I see you left the cold of winter to come to our snow and slush. But thank you.

STATEMENT OF ARDITH DAFOE, DIRECTOR, DRUG LAW ENFORCEMENT DIVISION, MICHIGAN OFFICE OF DRUG CONTROL POLICY, STATE OF MICHIGAN

Ms. DAFOE. Thank you very much, Representative Stupak. Yes, I truly expected to come to Washington and find sunshine, something quite different from what we find in Michigan. In fact, this is the first time I've ever been in Washington and you've had snow on the ground. I like to leave that behind when I leave Michigan.

It's a pleasure to be here this morning, and I want to thank you for the opportunity to discuss the proposal to eliminate the Byrne funds.

News of this proposed loss has been met with great disbelief and dismay by the State and local law enforcement officials. In fact, they are shocked and appalled that they have to plead for restoration of these funds, when what they are getting now is not really effective and not sufficient for what their needs are. I have been told by law enforcement that elimination of these funds will have the most drastic impact on drug law enforcement that has ever occurred.

We began funding strong supply reduction programs with a multijurisdictional effort when the funding began, and cooperative State and local regional drug teams with prosecutorial assistance were implemented across Michigan. We have a map of Michigan showing the various drug teams that we have. We have some unusual names, as you can see, for these drug teams, and they are all acronyms for the specific geographical area.

You heard Representative Stupak talk about UPSET, which is in the Upper Peninsula of Michigan, and SANE, which is part of Upper Peninsula and then part of the Lower Peninsula. Before the drug funds became available, the area, the northern part of Michigan in the Lower Peninsula and the Upper Peninsula were served by five State troopers. That was all we had available for 40 counties representing that area. With the drug funds, we established seven drug teams in that area, and the arrests have gone up 400 percent. And that is very definitely a rural area.

I think, when people think of Michigan, you often think of Detroit, which is certainly a part of our problem in Michigan, but we have vast areas of rural lands, as well. I know one of the law enforcement officers said that he thought the administration's proposal to eliminate the Byrne Memorial funds, which would eliminate the drug teams in these rural areas, really made the day for the drug dealers.

It is in those corn fields in that rural area of Michigan, as well as Texas, and Wyoming, and California, and all of the other States, it is in those areas that the drug dealers come in and smuggle their drugs in and out. They can put air strips in those corn fields. They can grow marijuana in those corn fields. And if there are not drug teams to do their investigations, those drug dealers have just an open market there.

Community policing will not address that concern. We could put a community policing officer in Traverse City, as you can see, and maybe one in Marquette, in the Upper Peninsula, and one or two other cities, but they are not going to address those kinds of concerns that we have.

With our Byrne Memorial funds, we expanded 12 drug teams that were already existing to include the more medium-sized cities and the rural areas. We are currently funding 123 police officers in these multijurisdictional drug teams with the Byrne funds. Those are 82 local and 41 State police. And we also fund 29 prosecutors. Funding would not be available for those officers with the elimination of the Byrne funds.

Those drug teams work with the Federal agencies. I think you heard some testimony earlier today, and one of my other colleagues here spoke to the issue, that there was a report that the drug teams are not coordinating with the Federal agencies. That is simply not so. In Michigan, they work very closely with the FBI, with DEA, with ATF, with Customs. In fact, if there is a concern in Michigan, it is that we need more DEA agents.

As Representative Stupak spoke earlier about the methcathinone problem we have in the Upper Peninsula, we only have one DEA agent. A concern that I hear frequently is that we would like more DEA agents. They are working with all of those Federal agencies, and they do so very cooperatively. Our drug teams also work with education and treatment officials to discuss trends. They work with community leaders to discuss how best they can serve the areas that they represent.

By pooling these resources from a number of counties into one coordinated, cooperative effort, the medium-sized and rural areas are able to receive the type of specialized narcotics enforcement that they need.

One other concern that was mentioned this morning was in the area of forfeitures and that the drug teams seize the assets of the drug dealers, the assets that they gain through their illicit trafficking. If we begin to eliminate these drug teams, which we will need to do if the funds are not available, they will also not be available to get the forfeitures from the drug dealers.

In Michigan, as I think in most of the other States, the drug teams use those forfeiture funds to make their match. In Michigan, our drug teams are now providing a 50 percent match to the Byrne

Memorial funds. And they are able to do that because of the forfeitures that they get from the drug dealers. But if we have to cut back, which we will have to, or eliminate, which we will have to, those funds are not going to be available either.

I also want to speak to the prosecutorial assistance to the drug teams, and those prosecutors will be lost also. These drug dealers are very sophisticated. They can afford defense counsel that will represent them in the manner that they wish to be represented, fight tooth and nail the drug charges against them, and we need to have well-trained, experienced prosecutors working with these drug teams. And we do have this in Michigan. They are on 24-hour call; they are available to the drug teams and then to prosecute the drug dealers.

The national strategy aimed at placing officers in selected urban neighborhoods and emphasizing treatment programs essentially will eliminate this major tool for State and local law enforcement, and that has been spoken to, and that is true. There are not other funds.

I would like to answer your question, Representative Stupak, that you asked the administration when they sat here. You asked if the police hiring grants, for instance, the police hiring funds that are coming through, will replace the drug team personnel that's there, and that is not so. For instance, in Flint, Flint got 14 officers. We fund 2 into the drug team, FANG, in Flint, and we fund 10 for community policing. We are already funding community policing in our urban areas in Michigan.

So they are getting 14 solely for a community policing effort. Those officers will not be a part of a multijurisdictional effort. But we're already funding for Flint for 12 officers through the Byrne Memorial fund. So it's really just a shift in what's going on, and that's true. There were three other cities that got funded, as well, in Michigan. The net increase in what is occurring is very, very minimal, if these funds are eliminated, and they will not be replacing officers in a multijurisdictional drug team effort.

This brings up another point also. If Federal funds end for drug enforcement and for the drug prosecutions and for the drug courts, many treatment centers will lose their primary source of clients, which is the criminal justice system. Treatment, of course, is very important in working with the entire drug problem, but the chronic, hard-core drug addict needs the coercive power of the criminal justice system to get into treatment, otherwise they are not going to get there.

In many public treatment centers, over 60 percent of the clients are there only because of the criminal justice pressure. Ironically, as the pressure and the client base will be reduced, if this funding is eliminated, the treatment program funding is increasing.

Michigan's current strategy and use of the use of the Byrne formula funds are providing significant results. The multi-jurisdictional drug teams last year increased their arrests by 31 percent, and there was an 85 percent in the major drug dealers, the major drug kingpins. In Michigan, we're having multicounty grand juries that our drug teams and prosecutors are working on together. We have a statute which provides for that, and it's really allowing us

allowing us to get to those major drug dealers. There was also a 29 percent increase in drug seizures.

I also wanted to mention that our prosecutors are very dedicated. Just as the best officers are put into the multijurisdictional drug teams, the best prosecutors work with those drug teams, and 97 percent of the drug offenders convicted were convicted of the most serious charge against them last year, and three-fourths were convicted of all of the charges.

One of the most significant aspects of the Byrne Memorial formula grant funds is that each State can decide how best to use those funds, based upon where the dollars for law enforcement are needed most. Michigan holds several hearings each year to determine how the grant funds should be spent. Notice goes out to over 2,200 government officials who are invited to provide testimony at those hearings. Then, based on that testimony and community input, a statewide, comprehensive drug enforcement strategy is enacted which reflects the needs of communities over the entire State.

One of the great needs that we have had in Michigan is the new and very dangerous drug which has been seized there, methcathinone, or we call it "CAT," and it's because of the funding of a drug team, UPSET, which was funded under the Byrne Memorial grant funds, and their investigation. They seized the drug. They were able to detect what was there. It's a very dangerous drug. It's highly addictive. It produces a significant high. The materials and chemicals to produce CAT are very easy to obtain.

In addition to the UPSET team which was working there, we also funded a special CAT team, and because of this we have been able to keep it somewhat under control. Because it is so easy to manufacture, it spreads very quickly, and it is spreading to some other States, into Wisconsin, and it has appeared in a number of other cities, and it is a concern.

Without that Federal funding, we would not have those teams available there to have been able to detect CAT when they did. The Upper Peninsula is a very remote area, very rural America, it only has 3 percent of our State's population, and it would seem the least likely place for such a drug to be introduced. We did have the drug team there which could respond.

Without the drug team there, it's possible that CAT could have spread to every other State in the Nation. If the funds are eliminated, the drug teams will not be there, and it will seriously jeopardize our ability to hold the line, to keep this drug from spreading. Community policing funds will probably not reach the Upper Peninsula. Even so, the community policing kind of enforcement activity would not have kept this drug from spreading.

Governor John Engler has developed a very comprehensive, balanced plan for Michigan's grant funds which channels more money to the local level. The proportion of Michigan's Federal funds directed to local prosecution, to street-level enforcement, cops on the beat, increased by 31 percent.

For street-level and neighborhood initiatives 75 officers are funded, along with the 29 prosecutors that we have. With those 75 officers that we fund for the street-level and community efforts, along with our officers in the multijurisdictional drug teams, we are

funding nearly 200 officers. That funding would be lost with the elimination of these funds.

Most States pass about two-thirds of their funds to local governments. I know that this was a question that was asked earlier. Michigan exceeds their required passthrough by about \$3 million, and we pass through nearly 70 percent of our funds.

During 1993, Michigan received from the Federal Government \$47 million for treatment programs, \$17 million for drug education, and \$14 million for drug enforcement. State and local drug enforcement dollars are already the least of these approaches to combating the drug problem. To completely eliminate financial support for comprehensive enforcement activities would be a serious blow to law enforcement and to all the communities in Michigan.

We need a balanced approach to drugs and crime that is tough and smart. Arresting drug offenders alone will not solve the problem. More cops walking a beat in urban cities will not alone solve the problem. We need both programs, as well as prosecutors, drug courts, treatment, and education. Drug enforcement initiatives must have financial stability. Effective narcotics efforts are hindered due to the uncertainty of continued funding.

The real drug war and the brunt of its destructiveness are at the State and local level. That's where the dealers are, the users, the crime and violence are, is at the State and local level. We must not only keep but seriously consider an increase in the level of State and local law enforcement assistance.

Funding for the Byrne formula grant program, at its best, was at \$473 million. Funding for LEAA, which was 20 years ago, at its best was \$732 million, and that translates to about \$2.5 billion today. There was not a significant drug problem 20 years ago. Today drugs and violent crime are the top problems facing America.

We ask that the proposal to eliminate the funds be reassessed. To do otherwise would put at great risk the gains that have been made in this Nation with the Byrne Memorial grant funds.

Thank you.

[The prepared statement of Ms. DaFoe follows:]

**Testimony Before The
HOUSE OF REPRESENTATIVES
Information, Justice, Transportation and Agriculture
Subcommittee
of the
Committee on Government Operations
Washington, D.C.**

Wednesday, March 2, 1994

Chairman Condit and members of the Subcommittee.

I am Ardith DaFoe, Director of the Drug Law Enforcement Division of the Michigan Office of Drug Control Policy. Thank you for the opportunity to discuss the proposal to eliminate the Byrne Memorial Formula Grant Funds.

News of the proposed loss of these funds has been met with great disbelief and dismay by state and local law enforcement officials. They are shocked and appalled to have to plead for restoration of these funds when they already are not getting the financial support they need to fight drugs effectively. Elimination of these funds will have the most devastating impact on drug enforcement efforts that has ever occurred.

I have been the administrator of these funds since they first became available in 1987. Funding began by developing strong supply reduction programs with multijurisdictional enforcement. Cooperative state and local regional drug teams with prosecutorial assistance were implemented and expanded across Michigan.

Before the availability of formula grant funds, drug efforts were accomplished by the state police and large urban departments. Five state troopers covered drug investigations in 40 counties in the northern half of Michigan including the Upper Peninsula. Seven (7) drug teams were created in this region with grant funds and arrests increased 400%.

Federal funds expanded 12 existing drug teams, adding medium-sized cities and rural counties to their cooperative effort. One hundred twenty-three multijurisdictional drug team officers including 82 local and 41 state police, as well as 29 prosecutors are funded by formula grant funds.

Implementation and expansion of these regional state and local drug teams brought with it cooperation, coordination, and collaborative efforts. These drug teams work directly with federal enforcement agencies such as DEA, FBI, ATF and Customs. The drug teams meet with education and treatment officials to discuss drug trends and work with community leaders to best serve the regional area they represent. By pooling the resources of a number of counties into one coordinated, cooperative effort, the medium-sized and rural regions in Michigan have been able to receive the type of specialized narcotics enforcement they need. The drug war will be won first in these areas where law enforcement has a measurable and significant impact.

Drug teams seize assets accumulated by dealers through their drug trafficking. The asset revenue is used to match the federal dollars; in Michigan, it is a 50% match. This revenue will be lost by the elimination of funding for the drug teams.

Mid to upper level drug traffickers have become increasingly sophisticated in their "business" operations. They invest large sums of money to avoid detection and insulate themselves from criminal liability. The nature of today's drug enforcement effort requires law enforcement to have immediate access to specialized prosecuting attorney services. It is common for our multijurisdictional drug teams to rely upon their grant funded prosecutors for weekend and "middle of the night" legal assistance.

American's drug lords spend exorbitant sums to retain defense attorneys and fight their criminal charges "tooth & nail". For success against these major traffickers, it is essential that highly trained, experienced and 100% dedicated prosecuting attorneys be available for the myriad of pre-trial motions and ultimate trial. This present ability will be totally lost with the elimination of the Byrne grant funds. The scales of justice in Michigan will tip heavily toward drug dealers.

The new national strategy aimed at placing officers in selected urban neighborhoods and emphasizing treatment programs essentially eliminates a major tool for state and local law enforcement. To believe treatment and community policing can reclaim our drug infested neighborhoods is a major mistake. Without the ability to impact supply reduction with multijurisdictional drug teams, community policing strategies will not keep drugs off the street. In fact, it is frightening to consider the impact that the loss of these funds will have on quality of life in communities.

This brings up another point. If federal funds end for drug enforcement, drug prosecutions and drug courts, many treatment centers will lose their primary source of clients - the criminal justice system. The chronic hard core drug addict needs the coercive power of the criminal justice system to get into treatment. In many public treatment centers, over 60% of clients are there only because of criminal justice pressure. Ironically, that pressure and client base will be reduced as funding for treatment programs increases.

Michigan's current strategy and use of the Byrne formula funds are providing significant results. Multijurisdictional drug teams increased arrests by 31% last year. This includes an 85% increase in arrests of major drug kingpins, with a 29% increase in drug

seizures. 97% of drug offenders were convicted of the most serious charge against them, and three-fourths were convicted of all charges filed against them.

One of the significant aspects of the Byrne Memorial formula grants is that each state can decide how best to use these funds based upon where federal dollars for law enforcement are most needed. Each year, Michigan holds several hearings across the state to determine how the formula grant funds should be spent. Over 2200 government officials are invited to provide testimony at these hearings. Based on this testimony and community input, a statewide comprehensive drug enforcement strategy is enacted which reflects the needs of communities over the entire state.

One area of great need in Michigan has been in the Upper Peninsula with the emergence of a new and extremely dangerous drug called methcathinone, or CAT. A grant funded drug team, UPSET, became aware of street sales of CAT in 1991. This was the first seizure of CAT by law enforcement in the United States. The drug is highly addictive and produces a significant "high". Methcathinone is packaged and marketed in a manner similar to cocaine. The materials and chemicals necessary to produce CAT are easy to obtain and the manufacturing process is simple. As a result of the existing danger, a special CAT drug team was funded in 1993 to work with the U.P.S.E.T. drug team. Due to the enforcement efforts of both federally funded teams, proliferation of CAT has been reduced.

CAT is spreading to other states. Wisconsin reports that CAT is being seized and there are indications it is in Minnesota, Missouri, Texas, Indiana, Illinois, Ohio, Iowa and Colorado. Intelligence indicates that the number of labs is increasing quickly as the manufacturing knowledge is passed from person to person.

The Upper Peninsula is remote rural America, with only 3% of the state's population. It seems the least likely place for the introduction in the United States of such a drug. Due to grant funds, there was a drug team in place to respond quickly after detection. Without this drug team, CAT may already have spread to every state in the nation. Lack of grant funding will seriously jeopardize our ability to "hold the line". Community policing funds will not reach the Upper Peninsula and would not have kept CAT from rapidly spreading.

Governor John Engler has developed a comprehensive balanced plan for Michigan's grant funds which channels more money to the local level. The proportion of Michigan's federal funds directed to local prosecution, street-level enforcement, and cops on the beat has increased by 31 percent. 75 officers are funded for street level and neighborhood initiatives and 29 local prosecuting attorneys. Crime labs, narcotic officer training, and a statewide intelligence system are funded. The share going to the courts has nearly tripled, and that going to treat drug offenders has increased by almost one-third.

On the average, states allocated two-thirds of these funds to local governments. Michigan exceeds their required pass-through amount by nearly \$3 million.

Michigan received from the federal government in 1993, \$47 million for treatment programs, \$17 million for drug education, and \$14 million for drug enforcement. State and local drug enforcement dollars are already the least of the three approaches to combating the drug problem. To completely eliminate financial support for comprehensive enforcement activities which have demonstrated their effectiveness is a serious blow to law enforcement and all communities in Michigan.

We need a balanced approach to drugs and crime that is tough and smart. Arresting drug offenders alone does not solve the drug and violent crime problem. More cops walking a beat in urban cities will not alone solve the problem. Both programs are needed as well as prosecutors, drug courts, treatment and education.

Drug enforcement initiatives must have financial stability. Effective narcotic efforts are hindered due to the uncertainty of continued funding. The real drug war and the brunt of its destructiveness are at the state and local level. That is where the dealers, the users, the crime and violence are - the state and local level.

We must not only keep, but should seriously consider an increase in the level of state and local law enforcement assistance. Funding for the Byrne formula grant program, at its best, was 473 million dollars. Funding for LEAA, at its best, was 732 million dollars. That was 20 years ago. 732 million dollars today translates to about 2.5 billion dollars. Twenty years ago there was not a significant drug problem. Today drugs and violent crime are the top problems facing America.

We ask that the proposal to eliminate the funds be reassessed. To do otherwise would put at great risk the gains made in the nation with the Byrne Memorial formula grant funds.



Mr. CONDIT. Thank you very much. We appreciate your testimony.

I kind of want to follow up on Ms. DaFoe's close there. This committee and I, obviously, are very supportive of what you do. We think you do a great job. And you all say that your programs have been successful, as it relates to drug programs. But we read almost daily about increased use of drugs by high school students and by young people throughout this country, and we read daily about more drugs being smuggled into this country.

If your programs are so successful, which I'm not questioning, I just want you to give me a candid response of what's the problem? If our programs are good, why is the use of drugs going up? Why are there more drugs smuggled into this country? I mean, as experts in this area, do you have an opinion? Do you have a specific something that you could say? And I'm asking you not to hold back. If you know what the solution to the problem is, please share it with us.

Mr. TIMMONS. The destruction of home life, split families, and the encroachment of the drug traffic flow now where the kids are selling it, kids are merchandising it, and the families are tolerating it. Where you have these busted families and all, it's a revenue source for them. A kid can make \$400 an hour standing on the corner selling dope, where he's apt to make \$4.50 an hour back working in a car wash, or something. And it's an encroachment there.

Mr. CONDIT. Is there any solution to that, Mr. Timmons?

Mr. TIMMONS. I don't think we can do it at Congress level or at State legislature. I served in the legislature, and I was a street policeman in Birmingham. I think we're going to have to go back to home life. I think we're going to have to go back to the churches. There's going to have to be something done at home. I think that's where it's going to have to start at before we can get back into it on our end.

Mr. CONDIT. Anyone else?

Ms. DaFoe.

Ms. DAFÖE. I think, first of all, the problem is so immense, and drug enforcement is doing a good job. They need more dollars to be able to really be as effective as they could be.

Going back to the children who are using—and the studies do show that children are beginning to use drugs again and doing so at an earlier age—certainly, education is extremely important. I know there's the discussion about when should drug education begin in the schools and that it should begin at a very early age, that if drug education comes, for instance, at middle school age, that that's too late, that it needs to come very early on.

It's the three components working together: education, treatment, and law enforcement. They are all very important, and they all need to be funded adequately to do their jobs. I think law enforcement sees their role as continually holding that line, holding that line and trying to keep the supply levels at least from increasing and to decrease—and there are indications that some of it is decreasing—to do that while education and treatment are doing their jobs to assist with this problem.

Mr. CONDIT. Anyone else?

Mr. Johnson.

Mr. JOHNSON. Yes. I would just like to add a little bit to what Mr. Timmons indicated earlier and take it a little bit further than that. I think we spend an awful lot of time trying to educate our kids and turn them around when, in fact, they have to go back into the same environment. We have made a terrible mistake, and we put a lot of money into the D.A.R.E. program, the SANE program, and other programs that are replicated, but we don't deal with the core issue, and that's the parents.

I think we need to do some parent education to make sure that they understand, really, what we are talking about, to change the values. We have a societal problem that really overwhelms all of us. Then there is another problem that, I think, helps exacerbate the situation, and that is the glorification of the use of drugs and those kinds of things that we see in the media. And I don't want to attack them, because I think it is a problem we all have to deal with.

There has to be a balanced approach, and if we did not continue this effort, what you're talking about would be even worse, if we didn't have the funds to deal with it on the suppression end. Even though we are combining it with education, prevention, and treatment, in California, it's just not enough to go around. In fact, we're given the burden, I think, to many of those of us who try to handle all of it, when we need to be bringing or forcing other people to participate.

I think the education program should start when people talk about getting married and before conception and should never end. We wait until kids get here, and then we're going to try to turn them around when, in fact, we can't turn them around in 45 minutes a day, even though we might give them a great dose of it at a school or some other kind of educational institution.

So there are a number of things we can do, but we can't eliminate it. Eliminating this program won't help that. I think, again, it would just exacerbate it, and we need to, I think, collectively—the administration, maybe they are trying to do that, to force-feed some of those things, but we need to make sure that that's done at the local level, as well.

Mr. CONDIT. Any other comment?

Mr. Willborn.

Mr. WILLBORN. I think the one thing that we need to remember is that what we do is a last line of defense, and we're trying to hold that line until education and prevention is capable of handling and parents are capable of handling the education part of this. In the meantime, all we're trying to do is hold the line, protect society as much as we possibly can, and interdict as much of this as we can possibly do, while at the same time lending our support to the other areas.

It does have to be a multipronged approach, if we're going to win this war, but we have got to have the resources to win. We struggle along. Everyone at this table can tell you, we do with the very least that we can do it with, and we eliminate all of those that aren't the very best programs that are working. We've got to have more resources in order to be able to go forward.

I think the job that we have done has been tremendous, but we need additional support. There is no quick fix to this. We didn't get into this overnight.

Mr. CONDIT. Mr. Pagel, do you have anything to add to that?

Mr. PAGEL. I don't have anything to add.

Mr. CONDIT. Mr. Johnson, your testimony detailed a list of programs being funded by the Byrne program in California. If the Byrne program is eliminated and changed, will each of these grantees have to apply individually to Washington for funding, or how will they pick up the funding for those programs?

Mr. JOHNSON. Yes, they would. I think you probably heard this morning what you did not want to hear, they probably won't be funded. When we say that these small communities have to compete for whatever the dollar amounts are, we know that they don't all have the ability to be able to do that. I think the way we have it now, we ensure that all of these communities receive some funds and that, if they need some technical assistance, we provide that. I don't know where that would come from, if we eliminate the system that we currently have.

I think what the administration should have done and should do is talk with us a little bit more before they devised this idea, and we wouldn't be here today having to plead for the continuation of this fund. I dread to think what might happen down in your area when we know what's coming up Highway 99 and Interstate 5 with drugs and gangs out of the Los Angeles area. So it really would be a terrible travesty.

Mr. CONDIT. Mr. Johnson someone from the Justice Department suggested that, "Well, maybe some of those programs will be picked up by states." What kind of likelihood is that? You can respond for California. Other people can respond for their own States. Do you think the State would pick up those programs?

Mr. JOHNSON. I don't know. We know Texas is a large State. They might be able to pick up the portion that California wouldn't be able to. I was teasing.

No, California would not. I think you know our budget problems. For the last 3 years we have had a deficit. It will continue this year. In addition, all the national disasters that I mentioned when I began my testimony, have created an additional problem and are draining not only the Federal Government but the State government. We have people leaving California, the revenue generators and many of the businesses.

There is no way that we would be able to assume any of that at the State level.

Mr. CONDIT. Would that not also change the way we have conducted, in the past, this war on drugs, if you leave it up to State to State to fund their programs? I mean, we've had a national war on drugs, and if you have a national war, you have some national tie together, uniformity, or something. If now we say, "Well, maybe the state will pick it up," it seems to me you've just changed the complexion of the war on drugs. You've left it up to States to pick it up.

I mean, this is a national epidemic. It should be a national priority. So I guess my question is, some States can afford it, some can't,

so you change the war on drugs. You have no uniformity across the country. Is this correct?

Mr. JOHNSON. Well, there might be some national standard, but I don't know how it could be enforced, if you don't have the people, the personnel in the States to do that. That, of course, would create a problem, and that's what would happen. I mean, I would lose the 11 people that I have in my agency that deal directly with this fund, and I don't know who would pick it up at any other level.

Standardization and regulation, to a certain extent, are terribly important, and I think we've done a lot of that. Most of us talk about having big government in our homes. I think certain amount of big government standardization is necessary, if we're going to be able to attack this problem on a uniform front. And "uniform" does not mean that Wyoming cannot do it the way Wyoming decides they want to do it. And California would set up their own standards, based on the needs of California.

I must say, I hate to repeat this, but we are different in many ways than a lot of the other States.

Mr. CONDIT. I understand. I guess what I meant to say is, at least it looks as though, from a national level, there was some leadership on trying to put some teeth in some national drug programs.

Mr. JOHNSON. Yes. And we have appreciated the leadership that has come from the Bureau of Justice Assistance and the direction that we've gotten that certainly has made us operate a lot better, a lot more efficiently, in California.

Mr. CONDIT. Mr. Timmons, you testified in a detailed way about your assistance project to the jails in Alabama. Just very briefly, have you made your feelings known to the DOJ? I mean, have you asked them how now are we going to pay for this, now that this is going to be eliminated?

Mr. TIMMONS. Yes, sir. We had a national sheriffs meeting up here 3 weeks ago, when you all invited the snow in for us, and we hit the blizzard and couldn't get back out.

Speaker Tom Foley came before us, and I talked with Mr. Speaker directly about it, and I talked to our delegation, too. Most of the delegation served with me in the legislature, including Chief Justice Heflin and Richard Shelby. So I nailed all of them pretty heavily, pretty hard.

And I've had to show them, at the national level, we have to come to Congress to look to you all to stop the influx from coming from Colombia and other places, because, when it hits our soil, then we've got to take revenue dollars at the local level and try to combat it at that time. And we just don't have it anymore; there's just no money there.

But we do know and recognize the fact that, when family values are gone, within just a few weeks later you're going to see social values gone. And that's what's happening to us today. As the gentleman from Texas said, it didn't happen overnight. It came in like childbirth; it came in like baking a cake. Now it's here, and we're going to have to reckon with it, and we can't afford to be losing this type money that does come to local levels.

The Byrne formula is one of the things that come to local levels where we can utilize it in the D.A.R.E. program, in drug abuse, and also in my jails. I'm overcrowded in all of my jails in the State

and I'm under Federal court order, and the Federal judge issued order releasing me. So on my business card now I put "Official get out of jail card." I give it out to everybody around over the State, where they won't be eating off of me when I put them in jail.

Mr. CONDIT. Thank you, Mr. Timmons.

Just out of curiosity, Ms. DaFoe, you made reference earlier to asset forfeiture laws, and you use part of that for your matching money. Do you have a Michigan State asset forfeiture law?

Ms. DAFOE. Yes, we do.

Mr. CONDIT. What is the split on that?

Ms. DAFOE. The money goes to the jurisdiction that seized it.

Mr. CONDIT. One hundred percent?

Ms. DAFOE. One hundred percent.

Mr. CONDIT. You're not competing, the asset forfeiture laws in Michigan, with mental health programs and others?

Ms. DAFOE. No, no.

Mr. CONDIT. So it clearly goes to law enforcement.

Ms. DAFOE. It's 100 percent for law enforcement by statute, so that those assets that are seized by these multijurisdictional drug teams go back for their operating expenses, which would include the match funds for the grants.

Mr. CONDIT. Thank you.

Mr. Stupak.

Mr. STUPAK. Thank you, Mr. Chairman.

Mr. Willborn, you were talking a little bit about, if we lost this money for multijurisdictional teams, where would the money come from. You said you had inquired?

Mr. WILLBORN. Yes, sir.

Mr. STUPAK. And you were told that there would be no money available then?

Mr. WILLBORN. Yes, sir. We were told that there would be no money available for our multijurisdictional drug task forces. We also had the Governor of Texas come up and discuss this very recently, within the last few weeks, and she went home with the same instructions, that there would be absolutely no way that our drug teams would be funded by this, because this was going to be very rigidly used for community policing, and it was not going to be available for our drug task forces.

Mr. STUPAK. So either we here in Congress make a change in this policy, or else, basically, our drug teams are gone?

Mr. WILLBORN. That is correct, sir.

Mr. STUPAK. And you said you would lose 95 percent of your drug teams?

Mr. WILLBORN. Yes, sir. We've got about 1,100 officers assigned to the Texas narcotics control program. Out of that, about 600 of them are full-time paid officers. We have other officers that are assigned or donated to the drug task forces around the State, and that makes up the 1,100 people. Our State police only have 120 narcotics officers. Without the narcotics control program, it is a shambles. And we're talking about an area where you're going to get so many drugs coming up even to your State through us.

Mr. STUPAK. Well, since you offered to pay for California, I thought maybe you guys would help pay for Michigan, too.

Mr. Johnson, how many of your drug teams would be gone, if these funds are gone?

Mr. JOHNSON. Probably one of the later speakers will be able to address that, from DOJ. I'm not certain. We have 39 projects, and the number in those task forces varies. So I'm not certain, but the majority of them would be gone.

Mr. STUPAK. Mr. Pagel, how many would you lose in Wyoming?

Mr. PAGEL. We would lose virtually 100 percent of our task forces, as they currently exist. At the State level, we would lose manpower and would have to do some reorganization and put a token effort out in each area. I imagine, with the economic situation with the various local departments, we might have maybe, at maximum, a half dozen departments that could commit a man full time without this project.

Mr. STUPAK. That would be the larger cities, I take it, then.

Mr. PAGEL. Correct. A couple of the larger cities and a couple of the counties with high coal revenue.

Mr. STUPAK. Mr. Timmons, on behalf of Alabama, how many of your drug teams would be gone if we lost the Byrne funds?

Mr. TIMMONS. The biggest majority of them on my local level, at Mobile, I would probably maintain it in some way. I'd probably have to pull it out of pistol permit funds or things. When I was in the legislature, I passed a lot of laws that give us a little bit of pull on things that other folks don't have, and we will have to pull it out of that. On the rural areas where I've got some drug task forces, they will fold, because they will not be able to stay in.

I know there would be 487 people I'll probably have to let go. My jail administrative program, I will implement it some way. I don't know right now how I will do it, but I will probably maintain it and keep Dr. Haley on staff to where I can keep him. Because that's where most of my \$30-million and \$40-million lawsuits are coming out on these 1983's. I've got to curtail that, because the lawyers are eating me up on that one, so I've got to stay on it.

Mobile is my biggest. I lean pretty heavily on the other Federal agencies down there, whether it be the Coast Guard, or what, for implementation, too. I've got an ATF man that's retiring. So, pretty much, I've been leaning on other folks. I've been learning how to borrow and beg.

Mr. STUPAK. Ms. DaFoe, how many would Michigan lose of our drug task forces?

Ms. DAFÖE. We would lose completely seven or eight drug teams. And then, more importantly for us even, is that the other existing drug teams would lose the additional counties. We have a number of them, of course, that are multicounty, other cities. We would be reduced to major cities and maybe one or two surrounding communities.

The ones that would continue would have some presence, but they would be so reduced that it would have a significant impact, as well as those in the northern half of Michigan and the Upper Peninsula, which would be gone entirely, including our CAT team.

Mr. STUPAK. So, then, like HUNT, TNT, SANE, UPSET, they would all be gone, because they are multicounty jurisdictions.

Ms. DAFÖE. Yes, and all of those that are north of Grand Rapids would be gone.

Mr. STUPAK. I know in Michigan, Ms. DaFoe testified, and Mr. Johnson testified that they hold local hearings on how best to use the Byrne funds. Do you do that in Texas and Wyoming and Alabama?

Mr. TIMMONS. Yes, sir.

Mr. WILLBORN. We held eight hearings across the State of Texas, large cities, small cities, all over the State. That information was compiled, and we put together our drug strategy with that.

Mr. STUPAK. So you do have a bottom-up review? I mean, the locals have all the input possible in Byrne funds?

Mr. WILLBORN. You bet.

Mr. STUPAK. Thank you, Mr. Chairman.

Mr. CONDIT. Thank you, Mr. Stupak.

Mrs. Thurman.

Mrs. THURMAN. Mr. Timmons, I'm going to ask you this question, because it sounds like you've been around for a while, and I kind of have, too, a little bit, for about 20 years in trying to deal with public policy.

There was mention of the LEAA grants that were around several years ago. One of the things that I would just like to ask, maybe from all of you, is, particularly with the chairman's question about how we're hearing that drug-related crimes are going up, but how many times have we seen the system change in the last 20 years that has never allowed us to have that ability to go from a point A to a point Z until they pull the rug out from underneath us?

Mr. TIMMONS. Well, many times. I'll be 62 years old in July, and I believe it turns around every 12 years, it looks like, we go through a cycle. I know all Federal money is supposed to be looked at the local level as seed money, and we're supposed to use it on—used to, it was a 3-year phaseout, and I believe the Byrne is a 4-year phaseout now. But it's always been looked at as seed money for us to implement somewhere down the line.

We get it started, but before we can put it into the regular budget at the State level or county level, it's mushroomed into something that we can't afford, and we can't afford to do without it. So it's really a task that just seems to recycle every time. It's always got something new. And as Mr. Johnson said, it seems like it always comes out of the birth of California, and they send it to us. The only thing they don't send to us is the earthquakes, but they send us everything else.

I'm kind of scared about what next it's going to be, because when crack started out there, I went out and sent a team to California to look at crack and see what we could do with it. And I believe they rode the same plane back. When we got back it was there with us.

So it has been a real mess. I guess this is what the good Lord does to keep us on our toes.

Mr. PAGEL. I guess I would comment, if you go back to the old LEAA days—and there was a lot of good things done with that money, I went to college myself on that particular grant—but if you look at that, when there is not a continuation of funds, or if there is not the suggestion even that there will be a continuation of funds, what you find are toys.

You buy toys, you buy equipment. And I'm sure you can find departments in the country where there's still equipment sitting on a shelf someplace that was bought with LEAA money. The difference that you're seeing—and when we talk about these task forces, you're talking about something that has been created and is ongoing and is producing.

And I think that is the thing we have to look at here. This is not a one-time program that worked for 6 months or 12 months. This is an ongoing program that is producing and accomplishing. And that's critical.

Mrs. THURMAN. When you say "it's producing and accomplishing," do you have some statistics to offer to this committee to support that?

Mr. PAGEL. I guess what I can show to you, ma'am, is I can show you what we had and what we were able to produce before and what we have done now. I am not suggesting that law enforcement or task forces are going to solve this problem. This is a societal problem. This is not a law enforcement problem.

But I guess I would offer to you that if these conditions exist today, and now we are aware of them, they were existing before, and we simply had not addressed them. So the significance of the problem, we now have at least a little bit of a handle on that.

Our efficiency and effectiveness continues to increase. And, hopefully, the education and treatment efforts, those are our long-term answers, not enforcement. But we are a reaction. That's all we are. But we are a very necessary reaction.

Mr. JOHNSON. I think what would be helpful is—because, yes, this is going to change. And I think as you have term limits and administration changes, this will happen. But it should be put in statute.

I think some real intelligence and thought should go in when we start putting in the budget language and then, when we put it in statute, that will kind of make sure that we don't just chop things off because there's a change in the administration. Most of the staff people are around, and your staffers were probably here when you came, and many of them will be here when you're gone.

Mrs. THURMAN. That has only been a year, so that's not a great history.

Mr. JOHNSON. But I think it's important that we think of it in that way. If we think this is a great idea today, then it should be a great idea tomorrow and down the road, or there should be some language that will give you that flexibility as you move along and not just abruptly say, "We have used this enough; let's go to another system." And I think those of you there would have to help us in that regard.

Mr. CONDIT. Thank you, Mrs. Thurman.

Any other questions?

[No response.]

Mr. CONDIT. We have been joined by our colleague, Mr. Kyl, from Arizona. You've heard part of this panel. Would you have any questions?

Mr. KYL. I'll wait until the next panel.

Mr. CONDIT. He's going to introduce the member of the next panel. We appreciate very much your being here. You have been

very generous with your time and your patience, and we appreciate it. Thank you.

We'll take panel four, Mr. Doane, Mr. Dean, Mr. Carr, Mr. Blitz, Mr. Mulvihill, and Mr. Albo. And if you remain standing, we have a policy of swearing in the witnesses.

[Witnesses sworn.]

Mr. CONDIT. Thank you very much for being here today. And we're going to accommodate our colleague from Arizona, Mr. Kyl, who we're honored to have here to make an introduction of someone from his State, Mr. Albo.

Mr. Kyl.

Mr. KYL. Well, thank you very much, Mr. Chairman. As a member of the full committee but not the subcommittee, I very much appreciate the opportunity you've afforded me to sit in with you for a little while and to introduce one of my former constituents and a representative of the State of Arizona.

I should also assure everyone that the absence of Republicans from the panel is a reflection of the fact that beginning at 1 o'clock, we are all in a meeting, except for me. So I will have to depart as soon as I can to attend that Republican conference. But I apologize for that.

Mr. Chairman, I certainly support your efforts in calling these hearings together and compliment you for what you are doing here.

And I would like to introduce Joe Albo, who is the executive assistant for criminal justice issues for the Governor of Arizona. He also, importantly, is a former county attorney for Hela County.

And, Mr. Chairman, I used to represent Hela County, and I can tell you that that is, in many ways, typical of the kind of more rural areas of our country that depend upon the funds that are the subject of your hearing and have not the kind of wealth that certain urban areas in our country might have. As a matter of fact, most of the land is Federal land that has a very low tax base.

If I told you that about 3 percent of the land in this county is privately held, and not all of that is subject to the tax base, that would be an accurate reflection of the problem that this county has. And Mr. Albo had to work in that environment as the county attorney and also in an area in which Arizona continues to be a major corridor for drug running from south of our border.

Joe Albo is also a former member of the Arizona Criminal Justice Commission. He now oversees the commission, which decides where the Edward Byrne funds are to be spent. And, as I said, as a former county attorney, I think he knows firsthand how the Edward Byrne grant benefits Arizona's communities, and particularly the rural communities. So I think he has much to offer this committee, and I join you in welcoming him to the Government Operations Committee.

Mr. CONDIT. Thank you, Mr. Kyl. We clearly understand you have a 1 o'clock meeting. It was our intention to be finished with this hearing close to 1 o'clock, and we apologize. We're behind, as usual.

Mr. KYL. You've taken a lot of important testimony, and that comes first.

Mr. CONDIT. Thank you.

Mr. Albo.

**STATEMENT OF JOE ALBO, JR., EXECUTIVE ASSISTANT FOR
LAW ENFORCEMENT, GOVERNOR'S OFFICE, STATE OF ARIZONA**

Mr. ALBO. Thank you, Mr. Chairman. I would like to thank Representative Kyl for the introduction. I have a printed statement that I would like to submit for the record.

Mr. CONDIT. Absolutely.

Mr. ALBO. And I would just go on to say that, on behalf of Governor Symington and the State of Arizona; us too: We share all of the problems that you heard about earlier today; things mentioned by Mr. Pagel, Mr. Willborn, and Ardith DaFoe about the problems that they experienced in the States that they represent. Arizona experiences them to the same extent.

Right now, the Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program provides \$4.9 million to the State of Arizona for the task force program. The local agencies make up the balance, which is 51 percent, for a total of \$9.9 million.

That balance comes from money that is seized in antiracketeering activities at the local level and is used to make up the match. I know that you asked that question of earlier witnesses, and that's how we fund the balance of these programs in Arizona.

There are 15 counties in the State of Arizona, all of which are very large, only 2 of which can be considered urban. Those are Maricopa County, where Phoenix is located, and Pima County, where Tucson is located. The rest of us are all from smaller jurisdictions and had a difficult time until this program was established in 1987 in the State of Arizona.

As Congressman Kyl mentioned, 97 percent of the land in Gila County is owned by the Federal Government or is on Native American reservations. The rest is concentrated in a few, small populated areas. But we have significant drug problems and abuse of those areas.

I liken the problems that we had in Globe and Miami, which is the part of Gila County that I came from to an operation run by a pretty famous organization that I don't want to disparage. But our drug people were like Avon ladies. They would take orders, go down to Phoenix or Tucson, pick up \$400, \$500, \$600 worth of drugs, come back to Globe and Miami, make their deliveries in less than 1 hour.

They are users and sellers. They would use up the proceeds, go back to Phoenix and Tucson within 3 or 4 days, pick up another, \$400-\$500 worth of drugs and come back. Without the ability of having task force members from all of the agencies in that county being able to follow these people, find them, identify them so that I could prosecute them, that activity would just have increased.

We were able to send a number into the prison system in Arizona. Arizona has a very tough sentencing policy that deals with drug sales, and we have been able to deal effectively with that.

One of the greatest losses, in my view, having been a prosecutor for a number of years, would be in the slots that will be lost to the Department of Public Safety Crime Lab. We may lose seven criminalist, two fingerprint examiners, as well as another forensic

scientist. When you're waiting to get a case into court, the last thing you need to do is to have to go up and ask the judge for a continuance because your evidence isn't back from the crime lab.

Even though you may have 2 pounds of marijuana, you can't prove that without the testimony of a criminalist. And the defense always wants to know, "Where are the fingerprints?" So you need the fingerprint expert.

All of these components are funded by this formula drug grant, and the program works effectively in the State of Arizona. If the formula drug grant is eliminated in Arizona, it won't be replaced by what's being proposed now. Out of all of the jurisdictions in the State, only one, the city of Tempe, has received funding for seven police officers for community policing.

In the small communities, we have been doing community policing for a long time, but it's not the same as having dedicated task force enforcement officers and dedicated prosecutors who are able to go out and do the work. If you chop the money off now, you still have people in the system who are sitting in county jails. You have prosecutors who have to continue to prosecute these cases. And that will lag for some time after the money is gone.

In summary, I appreciate the work of this committee, the tenor of the questions that have been asked, and I will be glad to answer any questions at this time.

[The prepared statement of Mr. Albo follows:]

Arizona Criminal Justice Commission

TO: Chairman and Members,
House Subcommittee on Information, Justice, Transportation and Agriculture

FROM: Joe Albo
Executive Assistant for Criminal Justice Issues
Governor Fife Symington's Office
Member, Arizona Criminal Justice Commission

SUBJECT: PROPOSED ELIMINATION OF FUNDING FOR THE EDWARD BYRNE
FORMULA GRANT PROGRAM

DATE: March 2, 1994

The Edward Byrne Memorial State and Local Law Enforcement Assistance, Drug Control and Systems Improvement Formula Grant Program, for FY94, is providing \$4,918,500 directly to Arizona drug abuse and violent crime control programs. This is only 49% of the total \$9,864,003 program in our state. The other 51% is provided by state and local agencies, demonstrating their commitment and dedication to actively addressing drug, gang and violent crime problems in Arizona.

The Clinton Administration's proposal to eliminate this funding will effectively terminate Arizona's enhanced, state-wide efforts to attack these problems through the multi-agency, multi-jurisdictional, system-wide approach that has worked so well since it was implemented in 1988. The most serious loss will be the synergistic effects of criminal justice agencies in all 15 Arizona counties working together in a cohesive, unified manner. They share intelligence information, and communicate daily on the myriad bits and pieces of information officers regularly collect.

Participating agency heads make up the boards of directors for these multi-agency, multi-jurisdictional task forces. By having local control and authority to direct their task forces, inter-agency differences are quickly resolved, and each agency head has access to task force resources and a part in controlling how those resources are used to ensure that the needs of the smaller law enforcement agencies are being met. With increased street gang activity, violent crime, and drug abuse, the need for adequate levels of available resources cannot be overemphasized, particularly in rural towns and counties that normally cannot, on their own, access such resources.

The Administration has proposed to replace the resources under the Edward Byrne Formula grant Program with the Police Supplemental Hiring Act, or the "Cops on The Beat" program, focusing on community policing. This will not help rural states like Arizona. 51 agencies applied for part of the \$150 million available for the program; 9 of Arizona's 15 county sheriff's departments, 3 Native American Tribal Police agencies, and 39 cities and towns, most of which have less than 150,000 people. The Justice Department, to date, has awarded one grant of \$525,000 to the Tempe, Arizona Police Department to hire 7 officers for community policing. The two programs cannot be seen as being interchangeable.

The Edward Byrne Formula Grant Program provides salaries and employee related expenses for 245 full-time criminal justice professionals throughout Arizona, including police officers, deputy sheriffs, prosecutors, forensic chemists, judges, detention officers and support staff to fully accommodate increased enforcement activity across the entire spectrum of the criminal justice system in our state.

To exchange this for 7 police officers in one city, even though they are much needed, is not a good way to address the crime related problems of the 1990's. Community policing is a standard way of doing business in small towns and rural counties throughout Arizona and the United States. It is the cities that are attempting to learn and apply techniques and concepts that are the norm in rural areas. Our state has several community-based education, prevention, treatment and intervention projects that are funded at the local level. Many of these projects are partially operated by the funds generated through task force enforcement activity.

In Globe, Arizona a City Councilman, Mr. Luis Aguirre, and a member of the Gila County Board of Supervisors, Edward Guerrero, have put together a program that identifies gang members, particularly the leaders, before they get into serious trouble, and provides them with an opportunity to work; not just to chop weeds and clean alleys, but to learn to mix mortar and cut and set stone, actually building something useful and tangible that they can be proud of and show off to their friends and families. They need money for tools, materials, and other items which can be provided through forfeited assets generated by the Gila County Drug, Gang and Violent Crime Control Task Force. The key to their success has been people who truly care about others, and who relate well to these young gang members. They develop a work ethic, and learn the value of integrity and pride in doing something worthwhile. The "Cops on The Beat" Program would not have provided the opportunity to establish this program.

Arizona shares some 350 miles of its southern border with the Republic of Mexico. Our multi-jurisdictional, multi-agency task forces in the four border counties present a major impediment to the mass importation of cocaine, marijuana, heroin and more recently, methamphetamine. The majority of the multi-ton shipments of marijuana and cocaine that have been seized by Arizona's border task forces would have otherwise been sold on the streets of cities and towns throughout the United States. Arizona is a major trans-shipment corridor for other states. Without the Edward Byrne Formula Grant program funds, these task forces will no longer exist because local agencies will not continue to provide local resources to deal with what they perceive to be a federal problem.

The existing funding arrangement allows local agencies to provide some funding, better enabling them to deal with their own problems, and at the same time to provide a valuable service nationally by using the combined state, local and federal resources under the Edward Byrne formula grant program to vigorously attack interstate drug trafficking at the "smallest part of the funnel" - the locations where shipments cross the border from Mexico into Arizona.

In closing, it may simply be noted that the Edward Byrne Memorial Formula Grant Program includes 23 program purpose areas that cover the entire spectrum of drug abuse, gangs, and violent crime control. It provides sufficient flexibility for each state to identify its own problems, the scope and extent of those problems, and then to develop, with federal assistance, the means for addressing those problems in the most appropriate ways. It also includes adequate controls, through the U. S. Justice Department, Office of Justice Programs, to minimize any misuse of the program.

On behalf of the Governor of Arizona, the Arizona Criminal Justice Commission, and our state's entire criminal justice community, we strongly encourage the U. S. Congress to continue funding for the Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program.

Thank you.

Mr. CONDIT. Thank you, sir. We appreciate your testimony and your patience in being here this morning. katie

I would like to yield to Mrs. Thurman from Florida, who will introduce the next witness.

Mrs. THURMAN. Thank you, Mr. Chairman. It's an honor for me today to have the Sheriff of Citrus County, Florida, which is one of the counties that I represent. I've known Sheriff Dean for—well, I guess we don't have to tell them, do we, Charlie—for a long time, and we have worked together for a long time.

He is the past president of the Sheriffs Association for the State of Florida. Obviously, he was very involved with the State system and legislation for trying to eliminate some of our problems in the State of Florida. He has been recognized as one of the top crime prevention advocates for his work. Recently, he has been working with Governor Chiles on the Criminal Justice Commission.

I appreciate the fact that he has taken his time out of what is a very busy schedule to give us an idea of what is happening in Florida and how the sheriffs are feeling about this program or loss of it.

I will say, Mr. Chairman, that we have to leave because we have another event at 1.30.

Mr. CONDIT. Thank you. I understand that, and that's the reason we moved this around.

And I appreciate your being here very much, Sheriff, and we appreciate your time today, as well.

STATEMENT OF CHARLES S. DEAN, SHERIFF, CITRUS COUNTY, FL

Mr. DEAN. Thank you, Mr. Chairman, and thank you, Mrs. Thurman.

Mr. Chairman, thank you for the opportunity to testify today. My name is Charles Dean. I'm the sheriff of Citrus County, FL. I've been privileged to serve my county for 14 years as the sheriff and have been in public service for 30 years.

I'm here to present information to you today on a very important Federal program, one that has meant much in the fight against drug abuse, violent crime to me and to many other law enforcement personnel throughout the State of Florida and other States, I'm sure. I refer to the Edward Byrne Memorial State and Local Law Enforcement Formula Grant Program created by Congress in the Antidrug Abuse Act of 1986 and amended and continued with the Antidrug Abuse Act of 1988.

The Byrne drug program is unique among the Federal funding programs because of the high degree of flexibility it affords local governments. This flexibility allows the people who live with the problems caused by drugs and violent crime to design the solutions that will work best for them. This community-based approach to problem solving is visionary, and we in Florida are grateful to have the freedom to use Federal funds in a way that is meaningful to us.

The purpose of the Byrne program, which is administered by the Bureau of Justice Assistance in the U.S. Department of Justice, is to provide State and local units of government with grant funds to assist in implementing projects designed to address the problems

of illegal drug use, violent crime, and improve the efficiency and effectiveness of the criminal justice system.

Note, please, that I emphasize the term "assist." These funds are often combined with other drug and crime fighting programs as a leverage of other funding. Specifically, the Byrne program seeks to prevent drug abuse and to improve the ability of criminal justice agencies to apprehend, prosecute, adjudicate, detain, and rehabilitate drug law offenders.

The application that each State submits for the Byrne fund goes to the Bureau of Justice Assistance and contains a statewide strategy for drug and violent crime control. In Florida, and probably in other States, a requirement for this strategy has fostered a level of cooperation that has greatly improved the efficient use of these funds at both the State and local levels.

Funds are allocated by formula based on each State's relative share of the U.S. population. And each State must then distribute to its local units of government a portion of the State's grant fund. In Florida, 61.56 percent of the total Federal award is distributed to local units of government. The remaining 38.44 percent is retained for State agency projects.

In Florida, 61.56 percent local share is allocated to local units of government based on crime statistics and population figures of each of our counties. Units of government receiving these funds must provide cash matching funds equal to 25 percent of the total project cost. Subgrantees may use grant cash received under the Federal asset seizure and forfeiture equitable sharing program or the State and local assets seizure and forfeiture funds to match the Federal program Federal funds.

The program permits funding in 23 purpose areas, as you know. And these purpose areas range from prevention to adjudication to rehabilitation, and the continuum of activities among and within these purpose areas is critical to the success of each one of these programs.

Among these purpose areas are drug demand reduction education, multiple jurisdiction task forces, community crime prevention programs, and rehabilitation and treatment of offenders, just to name a few. A complete list of these purposes I have attached and have available for you in our State.

Of the Byrne funds received in Florida to date, 47.7 percent have been directed to rehabilitation and treatment; 29.3 percent to criminal justice and law enforcement; 10 percent to prevention and education; 4.2 percent to administration; 3.8 percent to innovative programs; and 3.0 percent to management information systems; and 1.7 percent to evaluation. Each subgrantee is free to apply for funds in the purpose areas and the areas that best meet their needs.

And I would like to interject at this point, one of the big words I've heard since I came to Washington is "initiative." I think that shows initiative in the State of Florida.

But subgrantees cannot act alone. Since the Byrne funds are intended for both the county and cities within the county, Florida encourages local units of government to form a substance abuse advisory board to plan for and make recommendation to the counties

and cities regarding which unit of government will receive these funds and the amount and purpose of the funds.

When the applications are submitted to the State, letters of approval from at least 51 percent of the local units of government representing at least 51 percent of the population must be included. Although the money itself has been a much-needed resource, perhaps the most important impact of the Byrne program in Florida is the way drug and crime fighting efforts have been focused and institutional barriers broken down or removed altogether.

The twin carrots of money and wide variety of purpose areas and allowable activities within the purpose areas has brought people into the same room that have been fighting alone for years. Not just within the criminal justice system, but also across disciplines, many people have finally realized that whatever they do affects the other players in the war against drugs and crime.

The number of community-based coalitions, advisory boards, neighborhood councils, task forces that have sprung up as a result of the Byrne program is phenomenal. The people in these groups come together at first to receive funds, but then they stay together because cooperation works better than noncooperation and because of the flexible community-oriented approach that is so strongly encouraged in the Byrne program gives them the tools they need to address what really concerns them most, and that's about drugs.

For example, the community crime prevention purpose area allows a variety of activities, from community policing to neighborhood safety campaigns to recreational programs. And, if they choose to apply for community crime prevention funds, local governments are free to construct the mix of activities that they feel serve them the most and the best.

This time, 5 of the 186 grants in Florida involve community policing already. And these projects may or may not include community policing next year. It just depends on how they read their situation, how that is resolved.

For example, in my county, a rural area that is rapidly becoming urban, our biggest drug problem was that of these street dealers were easily identifying unmarked police units and figuring out who our undercover operations were faster than they could be effective and put into use. We had limited personnel. We needed more surveillance, and we were losing effectiveness in the aspect of law enforcement because we had to reallocate the resources to conduct effective drug investigations continually.

The chiefs of my two small cities, that's Inverness and Crystal River, and the county commissioners and I decided that what we needed was an urban enforcement project. And our enforcement project came out of a classification 21. We weren't forced to do a treatment project or to start a drug abuse resistance education project or to institute community policing.

Not that these aren't fine purpose areas—and we may decide to request funding for them 1 day—but it wasn't our need, and we were able to ask for what we needed, instead. We used the program that best suited and fit our needs.

I would just like to wrap up in brevity, if I can, sir. I've heard a lot of questions and answers this morning. But, as a county sher-

iff and a coastal sheriff in the State of Florida, I think one of the hats that I wear that someone asked somebody this morning—I'm Department of Defense. There's nothing between me and the Gulf of Mexico.

When I look back, and I see some of the initiatives and programs that have been put into force lately, to meet one or just a few, the Blue Lightning effort in Florida, where we had cutbacks in that program where we understand now that the 3CI Center in Dade County has been taken out, which was a surveillance program put on between the Coast Guard, the Customs, and the U.S. military assistance program.

That has left our whole coastline vulnerable throughout the State, because we at least had the capacity to communicate and to survey through the radar to see what was out there. The same way about the cutback in the Coast Guard in the straights. I think our programs that we're talking about today and the Byrne program are our initiative and local effort to get the job done. The job is not going away. The task is not going away. It's being enhanced every day. And we need more and more help.

So this is one area that has worked, has been successful, and I'm here today to say, from the folks in Florida's standpoint, we support the Byrne initiative and the program we have there. We want to see it continued. Thank you.

[The prepared statement of Mr. Dean follows:]

TESTIMONY

For release on delivery

expected at ____ EST

Wednesday March 2, 1994

**The Edward Byrne Memorial State and Local Law Enforcement Formula Grant
Program**

Statement of Sheriff Charles S. Dean, Sheriff of Citrus County, Florida

Before the Subcommittee on Agriculture and Justice of the House Committee on
Government Operations

Presentation to the House Committee on Government Operations

March 2, 1994

by Sheriff Charles S. Dean, Citrus County, Florida

Mr. Chairman, thank you for the opportunity to testify today. My name is Charles S. Dean. I am the Sheriff of Citrus County, Florida. I have been privileged to serve my county for 14 years as sheriff, and have been in public service for 30 years.

I am here to present information to you today on a very important federal program, one that has meant much in the fight against drug abuse and violent crime to me and to many other law enforcement personnel throughout the state of Florida and to other states, I am sure. I refer to the Edward Byrne Memorial State and Local Law Enforcement Formula Grant Program, created by Congress in the Anti-drug Abuse Act of 1986 and amended and continued in the Anti-drug Abuse Act of 1988.

The Byrne Program is unique among federal funding programs because of the high degree of flexibility it affords local governments. This flexibility allows the people who live with the problems caused by drugs and violent crime to design the solutions that will work best for them. This community-based approach to problem solving is visionary, and we in Florida are grateful to have the freedom to use federal funds in ways that are meaningful for us.

The purpose of the Byrne Program, which is administered by the Bureau of Justice Assistance in the U.S. Department of Justice, is to provide state and local units of government with grant funds to assist in implementing projects designed to address the problems of illegal drug use and violent crime, and to improve the efficiency and

effectiveness of the criminal justice system. Note, please, that I emphasize the term "assist;" these funds are often combined with other drug and crime fighting programs or leverage other funding. Specifically, the Byrne Program seeks to prevent drug abuse and to improve the ability of criminal justice agencies to apprehend, prosecute, adjudicate, detain and rehabilitate drug law offenders.

The application that each state submits for the Byrne funds goes to the Bureau of Justice Assistance and contains a statewide strategy for drug and violent crime control. In Florida, and probably in other states, the requirement for this strategy has fostered a level of cooperation that has greatly improved the efficient use of these funds at both the state and local level.

Funds are allocated by formula on the basis of each state's relative share of the U.S. population. Each state must then distribute to its local units of government a portion of the state's grant funds. In Florida, 61.56 percent of the total federal award is distributed to local units of government. The remaining 38.44 percent is retained for state agency projects.

In Florida, the 61.56 percent local share is allocated to local units of government based on crime statistics and population figures for each county. Units of government receiving these funds (we call them subgrantees) must provide cash matching funds equal to 25 percent of the total project cost. Subgrantees may use cash received under the federal asset seizure and forfeiture equitable sharing program or state and local asset seizure and forfeiture funds to match the federal funds.

The program permits funding in 23 purpose areas. These purpose areas range from prevention to adjudication to rehabilitation, and the continuum of activities among and

within these purpose areas is critical to the success of the program. Among these purpose areas are drug demand reduction education, multi-jurisdictional task forces, community crime prevention and the rehabilitation and treatment of offenders, to name just a few. A complete list of these purpose areas is attached. Of the Byrne funds received in Florida to date, 47.7 percent has been directed to rehabilitation and treatment; 29.3 percent to criminal justice and law enforcement; 10.0 percent to prevention and education; 4.2 percent to administration; 3.8 percent to innovative programs; 3.0 percent to management information systems; and 1.7 percent to evaluation. Each subgrantee is free to apply for funds in the purpose area or areas that best meet their needs.

But, subgrantees cannot act alone. Since the Byrne funds are intended for both the county and cities within the county, Florida encourages local units of government to form a substance abuse advisory board to plan for and make recommendations to the county and cities regarding which unit of government will receive funds, and the amount and purpose of the funds. When the applications are submitted to the state, letters of approval from at least 51 percent of the local units of government representing at least 51 percent of the population must be included.

Although the money itself has been a much needed resource, perhaps the most important impact of the Byrne program is the way drug and crime fighting efforts have been focused and institutional barriers broken down or removed altogether. The twin carrots of the money and the wide variety of purpose areas and allowable activities within the purpose areas has brought people into the same room that have been fighting alone for years. Not just within the criminal justice system but also across disciplines, people have finally realized that whatever they do affects the other players in this war against drugs and crime.

The number of community-based coalitions, advisory boards, neighborhood councils and task forces that have sprung up as a direct result of the Byrne Program is phenomenal. The people in these groups come together at first to receive funds, but they stay together because cooperation works better than non-cooperation, and because the flexible, community-oriented approach that is so strongly encouraged in the Byrne program gives them the tools they need to address what really concerns them.

For example, the community crime prevention purpose area allows a variety of activities, from community policing to neighborhood safety campaigns to recreation programs -- and, if they choose to apply for community crime prevention funds, local governments are free to construct the mix of activities that they feel they need the most. At this time, five of the 186 grants in Florida involve community policing. And those projects may or may not include community policing next year - it depends on how they read their situation.

For example, in Citrus County, a rural area that is rapidly becoming urban, our biggest drug problem was that street dealers were easily identifying unmarked police units and figuring out our undercover operations faster than we could make them effective. We had limited personnel, we needed more surveillance and we were losing effectiveness in other aspects of our law enforcement because we had to reallocate resources to conduct effective drug investigations. The chiefs in Inverness and Crystal River and the County Commissioners and I decided that what we needed was an urban enforcement project, purpose area 21. We weren't forced to do a treatment project or to start drug abuse resistance education projects or to institute community policing. Not that these aren't fine purpose areas and we may decide to request funding for them one day, but it wasn't our need and we were able to ask for what we needed, instead.

Mr. CONDIT. Thank you, Sheriff. I appreciate your testimony. And I know you have to leave for another commitment. Just one real quick question to you. You heard this morning the testimony from the Justice Department that some of these programs that may be worthwhile that we don't pick up, States will have the option to pick it up.

How likely is it for your State, the State of Florida, to pick up these programs if they're not picked up by some other supplemental program by the Federal Government?

Mr. DEAN. Well, the major source that we have in Florida to be able to get the grant program to be able to do our 25 percent share is asset sharing at the local level. We're a little unique situation there in Florida, as much as the local county sheriff, the local police jurisdiction can retain those funds. Fifteen percent have to be put in direct program areas every year out of my asset sharing.

But on the other hand, I can take the rest of those funds or part of those funds, as necessary, allocate them throughout, as I did through my Board of County Commissioners. But a joint participation of the only two police departments that I have in a county of 100,000 people, I was able to do that to be able to get the program forward. If it wasn't for that, I wouldn't be able to do it.

We had \$102,000 allocated in that one project we're having; \$86,000 came from the Federal level. We couldn't have done that. Those programs are going to be wiped out. There's no other source of money.

Mr. CONDIT. So to kind of rephrase, your answer is that it's not likely the State would pick up that money because they have other responsibilities, obviously?

Mr. DEAN. No, sir.

Mrs. THURMAN. Mr. Chairman, to go further with that answer; the Florida Legislature is in session right now, with a big emphasis being placed on the State's prison systems. Because, like many other States; we have a significant overcrowding problem.

On top of that in the crime bill, we also have the issue of regional prisons and meeting that 85 percent rate, which is even going to take more money from our State legislatures in order to meet that criteria.

To go a step further, there are no State dollars available because we're trying to meet other thresholds that have been handed down to us in an effort to give us tools at the State level to combat prison overcrowding.

Mr. CONDIT. Well, there are some of us here that have a great interest in stopping this idea that because we're running out of money here and we have to make choices, that the alternative to that is that State and local governments can pick it up. But we have to clearly understand that States and local governments are financially strapped.

And the likelihood of them picking up these programs, if they're worthwhile, is just not going to happen. I mean, they do not have the wherewithal to make it happen.

Sheriff, I appreciate your being here very much today, and you are excused.

Mr. DEAN. Thank you very much.

Mr. CONDIT. Thank you.

Mrs. THURMAN. Mr. Chairman, thank you.

Mr. CONDIT. Mr. Doane, chief, California Bureau of Narcotics Enforcement, we appreciate your being here today, sir. And I hope you don't mind being introduced by the chairman. California, we appreciate it.

STATEMENT OF JOE DOANE, CHIEF, CALIFORNIA BUREAU OF NARCOTICS ENFORCEMENT

Mr. DOANE. Mr. Chairman, members of the committee, I'm what you might call a career narcotic officer. I began in undercover drug law enforcement 23 years ago as a drug enforcement agent trainee with the State of California and worked my way through the ranks to my current position. So I'm not sure how much intelligence I bring to your committee, but I certainly do have a lot of experience.

I'm representing today our attorney general of California, Dan Lungren. I'm representing myself, quite a few of the police chiefs, and the California Narcotic Officers Association, which has 6,000 members of active and retired narcotic officers.

I would like to thank you for allowing me to testify today and give you some insight from what I call the "end user's point of view." And I've made quite a few scratch marks on my notes today. I'm not going to go through the attorney general's presentation. You've already got that, and I appreciate your taking that under consideration.

After hearing my colleagues and a couple of the panels today, I feel it's probably not necessary that I say things that I was going to, at least not all of them. I would characterize it by saying that we're all singing from the same sheet of music, so I'll try a different verse.

I would just say this. The Federal assistance to California's counterdrug programs have done something, I think, that's equally important to us in government as trying to positively impact the drug problem, and that is that it has taught us how to work together.

When I began my career, I had the fortune of being thrown out of the police departments, seeing departments that didn't work well together, that distrusted each other. And, as the sheriff so accurately said just a few moments ago, it has put us all in the same room with the same purpose and the same funding. And that's a good, healthy environment from which we can learn from one another and have a more well-rounded and coordinated operation.

I think there are several accomplishments. That question was asked earlier, "What have we accomplished?" Speaking for California, we started a drug task force program there in 1972 before the Edward Byrne Memorial Grant Fund, but it was only two drug task forces, because that was all the State or the counties could afford. And they were pretty small.

We expanded that to the current 39. I believe the question was also asked, "How many of those would close?" And my estimation is 29, at least, of the 39. And those are the ones that my bureau currently supervises.

We have two types of task forces in California, the regional task forces that operate within a given county that have State, local, and sometimes Federal officers assigned to them; and special task

forces and strike forces that deal specifically with clandestine drug laboratories. California has the dubious honor that Texas and Florida do. We have some international boundaries.

We have an extensive coastline. We have big metropolitan areas interspersed with rural areas, and it makes us a ripe area for some unique types of drug problems. I'm trying to answer some questions I heard come up earlier. One was what kind of accomplishments had we made.

Prior to the drug grants coming into effect in 1986, our bureau, which primarily does all drug laboratory enforcement in California, seized 88 drug laboratories. That's a significant number, when you consider that each one of those drug laboratories can produce about 100 pounds a week of that drug.

After the grant process, when we were able to focus grant funds on a very specific problem that California had, we increased our clandestine laboratory seizures up to an all-time high last year of 457 drug laboratories. This year, we were able to knock that back and think we're starting to show some effectiveness, because we're down to 398.

That represents over 70 percent of all drug laboratories in the United States, based on DEA statistics. It's a significant problem that has been addressed almost exclusively with the grant funds.

My colleague earlier mentioned we were able to initiate a program called SINS, a statewide integrated narcotics system. This is the absolute latest technology, which I think refutes a statement that was made in the second panel today, and that was that the grant programs don't communicate well or weren't intended to do so.

SINS project is just that—it's an automated communications system that allows us to transmit data, photographs, case management information, surveillance photographs from one end of State to the other in about 4 seconds, which enhances officer safety and communications and allows us to share our information, share our case work.

We have regular meetings of that system, and we hope that, with the help of the grant funds, that we will get every drug task force in California online by the end of next year. Without the grants, there will be no task forces to put online.

And I can tell you this, that a good portion of that project which was originally started in Los Angeles County and is moving northward through the State was funded cooperatively by the high intensity drug trafficking areas, my unit, the Bureau of Narcotic Enforcement, Edward Byrne Memorial funds, and some Defense Department funding.

So, once again, we have moved into task forces not only in our operations, but in the way we administer our own selves and the way we tackle a new problem. We will task force on financial issues, as well.

I can't talk about drug enforcement in California without talking about the riss projects, the Western States Information Network, which is an integral part of our task forces, helps us communicate between each other and the five Western States. They are our link to the El Paso Intelligence Center and the National Drug Intel-

ligence Center and just enhance the communications links that these programs have to coordinate and not conflict.

In addition, not funded by Federal programs, but just because I believe the enforcement community is very interested in prevention and treatment, there are literally hundreds of informal partnerships between our drug enforcement units and prevention agencies and treatment agencies, schools.

I have officers who adopt a classroom voluntarily of grammar school children and spend 1 day a month with them. It's not part of any grant program. It's not part of anything, but it's a new era of partnerships that have developed. And we would like to see that stay in tact.

In California, also, about the time that the Edward Byrne Memorial Grant funds became available, adopted a statewide master plan.

And the Governor's Office of Alcohol and Drug Programs, the Office of Criminal Justice Planning and the Department of Justice played an integral role in maintaining the California strategy, which one of the key elements is to make sure that we don't have duplication, make sure that we don't have conflict, that we don't have cross purposes in our grant funding. All grants have to have multijurisdictional programs, and they must be multidisciplinary.

I think some specific impacts in California that might interest the committee—as I stated earlier, 28 or possibly 29 drug task forces, most of which are in rural California counties, will literally go away the day the funding stops. The SINS project will go away to the extent that only the major metropolitan areas will be able to self-fund. Most of the rural counties will not be able to.

My own bureau will shrink by 30 percent. We will eliminate nine clandestine drug lab task forces. We will seize approximately 275 fewer labs. We will lay off statewide at least 300 officers. We currently carry a case backlog of 500 major investigations that we can't get to with our current funding. And we know that elimination of our funds, just in the Bureau of Narcotic Enforcement, will eliminate about 800 drug cases a year.

We also believe that we will seize 2,000 less weapons per year. Now, I'm talking only about the Bureau of Narcotic Enforcement, but you have to keep in mind that the county and city of Los Angeles together seized 30,000 guns last year. A lot of those guns will not be seized.

I heard a couple of points made this morning that I feel I absolutely have to respond to. And one was that there was an increased movement toward juvenile justice programs with discretionary grants. And, while I don't oppose that, and I think it's needed, I don't believe it's appropriate at the expense of the formula grants.

I think people need to understand that we are not out there seeking out juvenile offenders or unfortunate people who have become addicted to drugs. We spend the vast amount of our time and resources on Columbian cocaine cartels, major marijuana growing operations, drug laboratory operators.

We spend a lot of our time trying to track down and eliminate trends, much like Michigan talked about methcathynone in their laboratories. I believe they did stop a problem in the process, and they sent us the information in cooperation.

We have an alarming trend in California right now of Hispanic nationals taking over the clandestine drug laboratory organizations. Over the last year, 75 percent of our drug labs are operated by illegal aliens. And that goes from San Diego to the Oregon border. Oregon has also seen an increase in the illegal alien problem, operating the labs.

Most of the States now have comprehensive chemical precursor control laws. However, the old heroin and cocaine smuggling cartels are now in the clandestine laboratory business, and they're smuggling their own chemicals from Mexico.

We have to have the cooperation of all agencies throughout California from one end of the State to the other if we're going to battle those things effectively. And the grant program does that for us under the formula grants.

I would also say this. I believe the attorney general said in his letter, and I will say, that we are avid supporters of community-based policing. It works, but it does not work for all crime categories. In order for it to work, you must have a community. The drug dealers in California—and, I would assume, every other State in this country—do not observe the same geopolitical boundaries that we do. They observe none. They have no rules.

It would be foolish of us to put artificial boundaries on our efforts to try and catch them when they don't. In terms of assets, you would expect us to ask for more money every time we come here, and we probably will. But when you compare our assets to the assets of the drug cartels, I would tell you that they are much better funded, more well-equipped, and better armed than we are. And we have to try to do something to level the score.

I've had the opportunity to go to Wisconsin, Texas, and Florida, work with their program personnel in developing our own grants. And we have shared our results with them. And I can tell you that I found it curious this morning that decisions could be made to eliminate a program with such nationwide acceptance and endorsement by law enforcement every everyone I've talked to absolutely thinks it's the best thing that ever happened.

And I'm going to conclude my testimony there. And I would love to answer any questions you have later, sir.

[The prepared statement of Mr. Lungren follows:]



State of California
 Office of the Attorney General
 Daniel E. Lungren
Attorney General

February 28, 1994

The Honorable Gary A. Condit, Chairman
 Subcommittee on Information, Justice,
 Transportation and Agriculture
 B349C Rayburn House Office Building
 Washington, D.C. 20515-6147

Dear Chairman Condit:

Recently, I received notice that it is the Administration's intent to eliminate the Edward Byrne Memorial Formula Grant Funds in favor of other criminal justice programs, which, as of yet, have not been clearly defined. While I am distressed by this proposed course of action, I am equally encouraged by the efforts of you and your subcommittee to carefully and cautiously examine this decision by inviting the input of criminal justice professionals to assess the ramifications of such a move.

In that spirit, I would like to offer you some information about how critical the Edward Byrne Memorial Formula Grant Funds are to California drug enforcement programs and my assessment, should they be terminated.

The \$37.6 million of grant funds currently come to California's Office of Criminal Justice Planning, who then subgrants funding, based on a variety of rating factors, to criminal justice agencies within California's 58 counties. As well, several state agencies, such as my Bureau of Narcotic Enforcement, receive a portion of the grant funds for statewide counterdrug programs. In every case, however, each county or agency of the state that requests grant funds must submit a grant request which, in addition to meeting established productivity criteria for such programs, must have a plan that combines the efforts of all criminal justice agencies within the requesting jurisdiction. This strategy has, over just a few years, taken participating agencies from an era of duplication of effort, turf battles and parochialism to one of common sharing of resources, information and expertise. Hence, any grant request that does not exemplify and subsequently produce interagency cooperation between the various jurisdictions does not receive grant funding.

My own Bureau of Narcotic Enforcement currently receives funding to operate specialized drug task forces involving state, local and federal officers which focus on gang-related drug crimes, Colombian cocaine cartels, and the domestic manufacture of potent sensimilla marijuana and methamphetamine produced in our clandestine drug laboratories. In addition, the Bureau also manages 28 Byrne-funded drug task forces for local jurisdictions throughout most of California's 58 counties.

The Honorable Gary A. Condit
 February 28, 1994
 Page 2

The Edward Byrne Memorial Formula Grant Funds have encouraged and indeed required a level of cooperation among California's criminal justice agencies that did not exist prior to the initiation of the grant program. The end result has been a dramatic increase in productivity, safety and service to the citizens of our state.

Thus, I was dismayed to read in the February 1, 1994, issue of "The Criminal Justice Newsletter" that Attorney General Reno criticized the Byrne Memorial Formula Grant Funds as "arbitrary" and awarded by a formula allocation "without providing for community input" or a determination of where federal aid to law enforcement is needed most. While I'm sure the Attorney General's comments are well-intentioned, they do not accurately reflect how the funding strategies or evaluation stages actually work in this state.

The Clinton Administration spokespersons have repeatedly stated that increases in law enforcement aid in other areas would more than offset the loss of the Edward Byrne Memorial Formula Grant Funds. This is a questionable comparison at best since the proposed increases in other criminal justice programs make literally no mention of drug enforcement efforts in the states. Moreover, the ill-defined proposals fail to demonstrate any effort to maintain or increase the critical close interagency cooperation that currently exists under the Edward Byrne Memorial Formula Grant Funds.

It is my sense, as well as that of many of the law enforcement chief executives of California's law enforcement agencies, that the Administration's decision to terminate the Edward Byrne Memorial Formula Grant Funds in favor of other criminal justice programs may well result in a cruel shell game. Many law enforcement executives, in supporting additional resources to their individual departments pursuant to the Administration's proposal, had no idea that the Administration's plan was give with one hand while taking away with the other. This is now seen as an effort to federally mandate a complete change in local law enforcement priorities away from drug enforcement.

I am firmly convinced that the local and state criminal justice executives in California and elsewhere are much more well-prepared to assess their individual criminal activity problems and take a responsible course to correct them than the Administration. I am also firmly convinced that if the law enforcement executives in California felt the need to move away from drug law enforcement in favor of other crime categories, they would have already done so. They and I believe beyond doubt that a significant share of California's crime problems can be traced to the violence and fraud that goes hand in hand with California's drug distributors and manufacturers.

While I am an avid supporter, and have in fact initiated statewide proposals to our law enforcement executives to increase and enhance community-based policing, I just as firmly believe that it cannot be done at the expense of such a critical area of law enforcement as multiagency task force drug operations currently supported by the Edward Byrne Memorial Formula Grant Funds.

Above and beyond my philosophical disagreement with the Administration's proposal, there are literally volumes of statistical data gathered by California law enforcement agencies, the Office of Criminal Justice Planning and my Bureau of Narcotic Enforcement which clearly indicate the long-term and ever-increasing successes of those programs funded by the Edward Byrne Memorial Formula Grants. The effect of drug seizures and related arrests of major drug

The Honorable Gary A. Condit
 February 28, 1994
 Page 3

distributors, smugglers and manufacturers in California are staggering as evidenced by lower use rates of some drugs, increased prices in other drug categories, and slowly decreasing discovery and seizure levels of California's potent home-grown sensimilla marijuana.

The cessation of formula grant funding by the Edward Byrne programs will, without doubt, be the single most devastating event suffered by California law enforcement in recent history. Should grant funds end, at least 26 of California's 28 drug enforcement task forces will be disbanded, and 2 of my own Bureau of Narcotic Enforcement regional offices would have to be closed. Literally hundreds of Byrne-funded local and state officers would be laid off. This strategy change by the Administration would decrease instantly the effectiveness of the drug enforcement capability of well over 300 law enforcement agencies in California and end a multiagency, multijurisdictional drug enforcement effort that has been modeled throughout the country since California first began its drug enforcement task force program. The hard-fought battles to increase cooperation, productivity, effectiveness and expertise over the years the Formula Grant Funds have assisted state and local law enforcement would seem an illogical waste in favor of new programs which appear to California law enforcement to be ill-defined and unfocused.

California, with its more than 500 state and local law enforcement agencies, has perhaps one of the most complex criminal justice mechanisms in the United States. The number, size and diversity of the criminal justice agencies in California require an exceptional level of interagency cooperation, communication and coordination for effective multijurisdictional law enforcement to occur. Drug violators do not observe geopolitical boundaries, and California's drug enforcement officers must not as well. This situation creates a very complex law enforcement mechanism. The glue that holds that mechanism together, in large part, has proven to be the funding and associated program requirements contained within the Edward Byrne Memorial Formula Grant program.

California, whose suffering economy has strapped all public agencies including law enforcement, can ill afford the Administration's "experiment" in substituting effective drug law enforcement for other criminal justice programs.

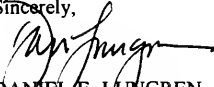
I respectfully request that you and members of your committee heed the advice of the law enforcement professionals you have wisely asked to come before you. They, as the end users of a federal assistance program, will give you the most accurate picture of what is working and what will not. I am convinced that you will find them not willing to trade their effective drug enforcement programs funded by the Edward Byrne Memorial Formula Grants for those proposed by the Administration.

If I or members of my staff can be of any assistance to you in this endeavor as you continue your assessment, please do not hesitate to contact me personally at your convenience. As California's chief law officer, I am committed to ensuring that California receive its much needed share of federal assistance to fight crime in California. I am equally committed, however, to ensuring that the funding California and other states receive be used in the most effective way under law enforcement programs and systems that have proven themselves to be effective and work as currently structured.

The Honorable Gary A. Condit
February 28, 1994
Page 4

Thank you for this opportunity to give my input to you and your committee on this important issue for the criminal justice system in California.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Lungren", with a long horizontal flourish extending to the right.

DANIEL E. LUNGREN
Attorney General

Mr. CONDIT. Thank you very much. We do have some questions for you, but we'll finish with the witnesses.

Lt. Col. Thomas Carr, thank you very much. Mr. Carr is the chief of the Bureau of Drug Enforcement for Maryland State Police. We appreciate your being here, sir.

STATEMENT OF LT. COL. THOMAS H. CARR, CHIEF, BUREAU OF DRUG ENFORCEMENT, MARYLAND STATE POLICE

Mr. CARR. Thank you, Mr. Chairman. And thank you for the opportunity to speak with you today about what we in Maryland feel really is the most successful drug and violence control program the Federal Government, at least in my recollection, has ever produced.

As you mentioned, I am the chief of the Bureau of Drug Enforcement for the State Police, but I'm also speaking to you today on behalf of the National Troopers Coalition and as vice chairman of the Governor's Drug and Alcohol Abuse Commission, that body that administers the Byrne grant program for the State of Maryland. I've provided you with copies of my testimony, so I would like to take this time to expand on my written remarks.

First and foremost, like the others up here, I'm speaking to you as a practitioner. And by that, I mean someone who works not only with law enforcement professionals every day, but also with treatment, education, and prevention specialists on a daily basis.

And when the administration talked of abolishing the Byrne grant program, I immediately had to reflect on the situation in Maryland as it was before Byrne grant at a time—and I'm sure these other gentlemen can echo my remarks—when there was no State strategy for drug and alcohol control, when there was no local strategy, when, at best, there was a disjointed Federal strategy.

And, in Maryland, there was no law enforcement agency that was focused on the drug problem. We did not have drug task forces. Through the Governor's Drug and Alcohol Abuse Commission and the Byrne grant program, we were provided a forum and the funding to bring everyone to the table to hammer out a meaningful blueprint for the State of Maryland and thereby ensure the needed services were provided to all of Maryland's population, 4.9 million people.

I don't think it's a question of how much money you spend, I think it's a question of how you spend that money. And in Maryland, through the Byrne grant program, we have established a DARE program in every school district in Maryland.

We now have 16 task forces serving our 23 counties across the State, and these task forces are staffed with local prosecutors, State police, local police, sheriff's department personnel. They are collocated and comanaged and funded almost entirely through the Byrne grant process. So if we lose the Byrne grant, we will lose our major impetus in Maryland for drug enforcement.

I might add that they also are not just limiting themselves to undercover operations. They get involved with the schools. I heard the gentleman talk about the Adopt a School program. One of our task forces gives out scholarships to graduating seniors who have done work in either drug or alcohol prevention in one of the counties.

We also have some innovative programs and diversion programs that are jail-based, something that only the Byrne grant program

has provided for us. And they mentioned earlier about statewide intelligence. We applied for a discretionary grant and were unable to get it to establish a statewide intelligence system.

So we used Byrne money, forfeiture money, and our own State general fund moneys. We now have a statewide intelligence system. Well, really, it's an interstate intelligence system, because we do the Pointer index system for Virginia, Maryland, West Virginia, and District of Columbia. And we'll soon be enhancing that system through the HIDTA funds to really be a truly comprehensive, statewide intelligence program.

We also got involved with community policing before the phrase became so popular. And we had some demonstration projects that were funded with the Byrne program. Personally, I'm proud of the Bureau of Drug Enforcement, which was created in response to this need for a lead agency in the State of Maryland to do drug enforcement.

In 1985, before Byrne, we had 35 troopers throughout the State doing drug work. And that doesn't work well in a population of 4.9 million, when you have major metropolitan areas like P.G. and Montgomery Counties and Baltimore. Now, we have over 200 personnel of police and support personnel married together in the task force concept.

And we are involved in not only drug enforcement, we also provide training. In fact, in the last 2 years, we have trained over 17,000 police officers and private citizens, including police officers from as far West as Missouri, as far South as South Carolina, as far North as Maine.

We also have a very unique body on policy development in Maryland called the State Office of Strategic Drug Enforcement Coordination, which is composed of law enforcement executives, managers, prosecutors, National Guard personnel—I haven't heard any one talk about National Guard, but they certainly have been an integral part of our drug fighting efforts—Federal, State, and local police officers.

We meet monthly. We discuss policy issues, we resolve any problems between the agencies, and together, I think, we have really forged a partnership that hopefully will last, even though the Byrne funds may dry up. I might also add that our bureau has done so well, we have been asked to go to the country of Estonia next week to help them establish their drug policy efforts and drug enforcement efforts.

In Maryland, we have been careful not to overlook our cities. As you know, the Byrne grant program requires a 25 percent cash match. Many times, our cities cannot come up with this match, cities like Baltimore, which are in dire need of drug funding.

In Maryland, what we did was we overmatched. We provide extra State money and use that as the match money to allow Baltimore City, under the Byrne grant program, to receive \$4.1 million worth of benefit of new programs. In fact, today is the first day of our drug court that starts in Baltimore City. So we're very proud of that, also.

You know, throughout the testimony and throughout Maryland, we have heard nothing but positive responses about the Byrne

grant program. And I haven't heard one reason why the Byrne grant program should be eliminated at this hearing. It works.

And, I might add, where it doesn't work and if it doesn't work, the Bureau of Justice Administration has the authority to go out and make those corrections. I think it would be a good question to ask them what they have done to correct the problems. By replacing one system with another, if you're not going to administer it properly, neither system is going to work well.

I don't think we need a new program. I think Byrne has worked well where the people have paid attention to it. And I also think, Mr. Chairman, as you pointed out that it is bottom-up management. I really would take exception to some of the remarks I heard this morning about Dr. Lee Brown being characterized as perhaps misunderstanding the action here. I know Dr. Brown, and while I haven't discussed this particular program with him, I don't think he misunderstood.

What I understand—and I think you and the committee members do, as well—when you talk about having 300 more hires at the Federal level, you're not talking bottom-up management, you're talking top-down management. We do not need more cookie cutter operations.

What works in Wyoming, what works in California may not work in Maryland. And what works in Maryland may not work in those States. What we need is what we have with Byrne, the opportunity to sit down and do individualized planning that meets our needs and to, together, hand-in-hand, implement those programs. And that's what the Byrne grant affords us. I thank you for the opportunity to speak with you today. I would also, if you don't mind, like to be excused. I have a meeting in northern Maryland at 3.30, and I don't want to have to speed to get there.

[The prepared statement of Mr. Carr follows:]



NATIONAL TROOPERS COALITION

112 STATE STREET, SUITE 1212, ALBANY, N.Y. 12207 518-462-7448

CHAIRMAN'S OFFICE
1415 SOUTH SHELBY
INDIANAPOLIS, IN 46203-1946
FAX 317-631-8221
317-636-0929

EDWARD BYRNE MEMORIAL STATE AND LOCAL LAW ENFORCEMENT FORMULA GRANT PROGRAM

Testimony of Lt. Colonel Thomas H. Carr, Maryland State Police

The Edward Byrne Formula Grant Program has its origins in the Anti-Drug Abuse Act of 1986. This Act more than anything else is responsible for enabling states to provide direction and coordination for statewide multi-jurisdictional drug and violence control efforts.

This is so, in part, because the Act requires all states to have an approved criminal justice drug control strategy to receive allocated federal block grant funds. It also requires that states demonstrate coordination between elements of their criminal justice system and with other drug control disciplines such as prevention, treatment, and education.

Initially, the preparation of Maryland's statewide strategy was coordinated by the Governor's Office of Justice Assistance. Later, in 1989, the Governor's Drug and Alcohol Abuse Commission was created specifically to perform this task. Its annual

SUPPORT YOUR STATE TROOPERS
REPRESENTING OVER 40,000 TROOPERS SERVING 230 MILLION AMERICANS



strategy is actually prepared by Commission and ad hoc members who represent all disciplines and all levels of the public (state, county, municipal) and private sector. It also includes community input at the grass roots level.

In essence, the final strategy embodies the consensus thinking of the entire state and assures that federal drug and violence control funds are directed to where they are most needed. The result is a statewide seamless web of programs. The process and the product have been outstanding. It has assured the availability of the Drug Abuse Resistance Education (DARE) program in every one of Maryland's school districts, the establishment of 16 countywide State and local drug task forces, a number of quality programs offering law enforcement support for at-risk children, a new and innovative Baltimore-based pre-trial treatment and diversion program, and a variety of custom designed community policing initiatives, and many other programs.

It also funds a number of treatment programs for criminal offenders. One, called The Awakening, is located in the Prince George's county jail. We are very proud of this program. In fact, on February 9, 1994, President Clinton chose the site and the program for previewing his National Drug Control Strategy.

The value of the Byrne grant to drug and violence control cannot be overstated. Without it, we would have no process for coordinating the development

of the annual state drug and violence control strategy. Even the formation of the Governor's Drug and Alcohol Abuse Commission was in direct response to the requirement for a fully coordinated statewide strategy to receive block grant funds.

In Maryland, Byrne block grant funds are allocated almost equally between State level and local level programs. The Act requires recipients to make a 25% cash match and many State agencies have actually exceeded this requirement by putting in more than the stipulated cash amount. This over-match has benefitted many local jurisdictions by enabling them to participate in the grant program without having to find their own source of match money. The grant supports the implementation of innovative new programs and enhancements for existing programs. At the grant's termination, recipients assume responsibility for continued funding of those programs that have proven successful.

All jurisdictions are invited to apply for Byrne grant funds and letters are sent to all chiefs of police, sheriffs, State's Attorneys, wardens, judges, mayors, presidents of county councils, and county executives inviting their participation. Review and selection of all proposals are conducted by a committee composed of one representative from the Maryland State Police, one representative from the Maryland Association of Chiefs of Police, one representative from the Maryland Municipal League - Public Safety Committee, one representative from the treatment community, one from the judiciary, and one from the Governor's Office of Justice Administration.

The members of this selection committee also try to help applicants implement worthy programs even when grant funds are not available for this purpose. Such help might be in the form of equipment, training, or even loaned officers. Among the criteria for grant funding is that the program be supportive of the annual State strategy.

In terms of federal dollars the Edward Byrne Memorial Grant Program represents only a relatively small amount of money. The benefits derived from it are immeasurable. Without it, many states would no longer have the capability of coordinating the development of statewide drug and violence control strategies; or the capability to implement them.

We therefore urge you to insure that it be continued.

Mr. CONDT. I clearly understand that. And, given the weather, I understand that. I appreciate your excellent testimony and your patience. I know you had to wait a great deal to give that testimony, and I appreciate it. It has been a great service to the committee.

So you're excused, and I appreciate your being here very much, Mr. Carr.

Mr. CARR. Thank you, sir.

Mr. CONDT. I would like to introduce the last two witnesses of this panel, the Honorable James Mulvihill, assistant attorney general, director of New Jersey Division of Criminal Justice; and the Honorable Jeffrey Blitz, Atlantic County prosecutor, president of the County Prosecutors Association of New Jersey. We're delighted to have both of you here.

Mr. Mulvihill, you want to begin?

STATEMENT OF JAMES MULVIHILL, ASSISTANT ATTORNEY GENERAL, DIRECTOR, NEW JERSEY DIVISION OF CRIMINAL JUSTICE

Mr. MULVIHILL. Thank you very much, Congressman. We are pleased that you are holding this hearing today. I am here with Jeff Blitz. We are speaking on behalf of Attorney General Deborah Poritz, our 21 county prosecutors, and our entire law enforcement community in New Jersey in opposition to the proposed elimination of the Byrne Memorial State and Local Law Enforcement Assistance Formula.

Since 1987, the Byrne Formula Grant Program has provided crucial and much-needed revenue to New Jersey's war on drugs. The proposal by the administration to terminate the program next year will have disastrous effects on New Jersey and other States. It will mean the loss of approximately 404 positions statewide, as well as critically needed equipment and other resources.

And in New Jersey, of course, we have a very unique system where our attorney general is the chief State law enforcement officer, and our county prosecutors are the county chief law enforcement officers. And the cornerstone of our strategy, which goes back to 1987 has always been the county narcotics task forces.

Prosecutor Blitz is going to tell you about his particular task force, which is one of our most outstanding ones. And our task forces are the jewel in the crown, in terms of our war on drugs. And drugs have such a pervasive effect or influence on all crime in New Jersey and in all of our States.

We have 90 positions in our county narcotics task forces, over \$4 million, another \$1½ million or more in other expenses, and we have other positions at the State level. If we lost those moneys, it would be a real crucial blow to our successful efforts to combat the drug problem, and keeping the pressure on in New Jersey.

We are doing a great deal in the community policing area. We are spending more money on community policing under the Byrne formula than we are on our multijurisdictional task forces. And we're doing that in a gradual, measured way in various cities on an experimental basis. And it's going very well.

But it permits us to do this in a balanced way, a balanced response to crime, which involves many different program strategies

and disciplines, and we're not relying upon any one strategy but a combination of strategies to deal with the problem of crime.

I think that people must recognize it's not simply possible to address the larger crime problem without specifically addressing the drug epidemic. And, as others indicated, a large percentage of property and violent crime is drug-related.

Each State has developed a coordinated response to crime by means of a mechanism to avoid wasteful duplication of services. This is what we have been doing in New Jersey, and this is what we have been doing under the Byrne formula grant program.

State governments, rather than the Federal Government, are uniquely suited to develop a statewide strategic law enforcement spending plan which is tailored to meet local needs, resources, and enforcement opportunities. If we lose the Byrne grant program, then we're going back to the discretionary funding where there's no coordination, and there are just grants given out discretionarily to various law enforcement agencies without coordination.

And that's happening now under the community policing grants that are being given out in New Jersey without any coordination with the attorney general or the county prosecutors. And we have State funds going for community policing, as well. And we don't have that coordination because of the way that money is distributed from the Federal Government.

The Congress must take steps to ensure a certain degree of stability in providing Federal grant funding so as to promote long-range strategic planning. The Federal Government should thus avoid sudden, unwarranted policy shifts, which this would be, which will result in reduced financial support for those State, county, and local programs and strategies which have proven to be effective and which should be continued and institutionalized.

So in sum, Mr. Chairman, we have submitted an executive summary and an extensive statement, and many exhibits. And we would be happy to answer any questions you may have or submit additional information. But we are vigorously opposing this change and the elimination of the Byrne program.

Mr. CONDIT. Thank you very much.

Mr. Blitz.

STATEMENT OF JEFFREY BLITZ, ATLANTIC COUNTY PROSECUTOR, PRESIDENT, COUNTY PROSECUTORS ASSOCIATION OF NEW JERSEY

Mr. BLITZ. Thank you, Mr. Chairman.

I'm the prosecutor from one of those rural counties, at least as rural as I suppose that we get in New Jersey. My county has 230,000 people, encompassing about 600 square miles divided into 23 municipalities ranging in size from Atlantic City, which is 37,000 people, to as small as Corbin City, which is about 400.

Of those 23 municipalities, 6 don't even have their own local police department. The size of the various police departments, excluding Atlantic City, range from a low of 10 officers to a high of 61 officers. The crime problems that exist throughout my county are similar to most other rural and suburban-type counties, especially those located within 100 miles or so of major metropolitan centers.

In my county, there is no police department outside of Atlantic City that is able to devote full-time police personnel to the investigation of narcotics cases. All municipalities except Atlantic City rely on the countywide narcotics task force to provide expertise, resources, investigative personnel, and a variety of other support to conduct drug investigations in their jurisdictions.

The response of the narcotics task forces has been so enthusiastic that the local municipal police departments, except for Atlantic City, have all been eliminated, their own special narcotics bureau in favor of active participation in the county task forces.

In fact, it would be grossly inefficient for any small- or medium-sized police department having a manpower of less than 60 officers to try to create their own full-time narcotics bureau. They have neither sufficient manpower and officers to assign on a full-time basis. They don't have sufficient money for undercover drug operations or sufficient money to pay informants.

They don't have jurisdictional authority outside their own municipality. They don't have intelligence officers to provide necessary seed information to narcotics units. They don't have specialized equipment necessary to successfully prosecute the cases once the defendants are taken into custody. They don't have undercover officers that are unknown in their own municipalities. And I could go on and on.

The bottom line is that narcotics enforcement that is directed to drug dealers and their coconspirators in New Jersey is run primarily by the officers assigned to the multijurisdictional narcotics task forces. It is these task forces that are funded by the Byrne formula grant program. It is these task forces that would need to be disbanded or reduced if the program is discontinued.

My task force, which is similar to the task force in the other 20 counties in New Jersey, is made up of about 20 officers, some from my office, some from the local police, and some from the county sheriff. Should the grant formula funding be withdrawn, my task force, as well as the other 20 in New Jersey, would probably have to be disbanded or reduced unless additional funding would be provided either by the county or the State which, quite frankly, is unlikely.

I can't urge enough, and I speak as a prosecutor that has been involved in the prosecution of criminal cases and the director of narcotics task forces and other operational units for 26 years, that if this Byrne money is lost, it will be a crucial blow to the drug effort in the State of New Jersey.

[The prepared statement of Mr. Mulvihill and Mr. Blitz follows:]

EXECUTIVE SUMMARY**STATEMENT ON BEHALF OF THE NEW JERSEY
LAW ENFORCEMENT COMMUNITY IN OPPOSITION
TO THE PROPOSED ELIMINATION OF
THE EDWARD BYRNE MEMORIAL STATE AND LOCAL LAW
ENFORCEMENT ASSISTANCE FORMULA
GRANT PROGRAM**

Since 1987, the Edward Byrne Memorial Formula Grant Program (Byrne Grants) has provided crucial revenue to New Jersey's war on drugs. The proposal by the current Administration to terminate this program in fiscal 1995 will have disastrous effects on New Jersey and other states. It will mean the loss of approximately 404 positions statewide, as well as critically needed equipment and other resources. To understand the impact of this loss, it is necessary to begin with some history of narcotics enforcement in New Jersey.

Beginning with the Statewide Action Plan for Narcotics Enforcement (The Action Plan), published in October, 1987, the State has pursued a balanced, coordinated and aggressive approach to narcotics enforcement: balanced, because funding has always been carefully divided among enforcement, courts and corrections; coordinated, because the Division of Criminal Justice has been the agency responsible for receiving, distributing and monitoring the grant funds in accordance with the Attorney General's strategy as outlined in initial The Action Plan and the Statewide Narcotics Action Plan (SNAP II), published in March, 1993; and aggressive because it has placed personnel, equipment, overtime and other resources in the hands of front-line investigators and prosecutors for use in accordance with the State strategy.

The cornerstone of this State's enforcement efforts has always been the County Narcotics Task Forces. The Action Plan required each county to have a Narcotics Task Force operating under the supervision of the County Prosecutor. The Byrne Grants provided seed money to start task forces in those counties without them. In counties which already had task forces, the

Byrne Grants funded expansion, crucial equipment purchases and enhanced enforcement programs.

In 1993, the Byrne Grants funded 90 positions in the County Narcotics Task Forces at a cost of \$4,013,383, with another \$1,664,294 being used for other expenses. Additionally, 13 positions in the Statewide Narcotics Task Force were funded at a cost of \$855,115, with another \$255,969 being expended for other purposes. The Statewide Narcotics Task Force uses the Byrne Grants to fund special enforcement programs, such as the Drug Diversion Unit (pharmaceutical drugs), Operation Green Giant (financial/forfeiture related narcotics investigations) and the SNAP II Coordination Squad (oversight of SNAP II implementation).

In addition to the foregoing task force efforts, the Byrne Grants also funded Court initiatives, Corrections and Treatment initiatives and Community Policing programs during FY92 and FY93. Approximately 105 positions were funded in Court initiatives at a cost of \$2,822,495, with \$676,553 expended for other purposes; 23 positions were funded in Corrections/Treatment programs at a cost of \$455,685, with \$227,241 expended for other purposes; and 173 Community Policing positions were funded at a cost of \$4,836,313, with \$1,031,266 expended for other purposes.

For the following reasons, the New Jersey law enforcement community submits that it would be inappropriate to eliminate or weaken the Byrne Formula Grant Program in favor of direct discretionary grants to support community policing projects:

- Given the complex, multi-faceted nature of the nation's crime problem, the law enforcement community, working in close cooperation with other professional disciplines, must develop a comprehensive, cost-conscious response to crime.
- Each state must develop a balanced response to crime, involving many different programs, strategies and disciplines. States should not rely too heavily on any one strategy or approach, and must make certain that no

law enforcement initiative works unwittingly to undermine or overwhelm any part of the criminal justice system.

- State law enforcement policy planners must recognize that it is simply not possible meaningfully to address the larger crime problem without specifically addressing the drug epidemic. A large percentage of property and violent crimes are "drug related," that is, committed by persons who are under the influence of intoxicating substances or to support their drug habits, or are committed as part of efforts by drug traffickers to protect their lucrative markets and turf.

- Our nation cannot afford at this critical juncture to send the wrong message by deemphasizing the importance of drug enforcement. It is especially important at this time to make certain that drug enforcement remains a high priority in light of recent national studies which show that for the first time in many years, the incidence of teenage drug abuse has increased.

- Each state must take steps to preserve a sufficient complement of law enforcement officers who are assigned full time to narcotics enforcement. Each state must thus maintain and enhance its investigative capacity to reach middle and upper-level members of drug trafficking conspiracies. Law enforcement policy planners must recognize that it would be ineffective and inefficient simply to target "street level" drug distributors, who are easily replaced upon their arrest and conviction.

- Each state needs to preserve and institutionalize multi-jurisdictional narcotics task forces. These inter-agency task forces perform a number of critical functions and roles, including:

- The ability to pursue middle and upper-echelon drug dealers, who routinely ignore municipal jurisdictional boundaries;
- The ability to pursue sophisticated investigations using advanced law enforcement techniques designed to keep pace with criminal

networks;

- Emphasizing the importance of inter-agency teamwork and the need to avoid wasteful "turf wars";
- The ability to provide meaningful in-service training and hands on experience to municipal police officers assigned to narcotics task forces; and

. The ability to aggressively pursue cases which are likely to reveal forfeitable assets, which, in turn, can be used to support sustained and aggressive anti-crime programs and initiatives.

- Each state must develop a coordinated response to crime by means of a mechanism to avoid wasteful duplication of services and efforts and by which to make certain that individual programs, initiatives and enforcement activities do not unwittingly work at cross purposes. This, in turn, will require a statewide process by which to undertake strategic law enforcement planning. This essential planning process should entail efforts to solicit the widest possible range of information and suggestions from local experts and concerned private citizens, and should include a statewide needs assessment with which to assist policymakers in setting programmatic and funding priorities.

• State governments, rather than Federal agencies, are uniquely suited to develop a statewide strategic law enforcement spending plan which is tailored to meet local needs, resources and enforcement opportunities.

- The Congress must take steps to ensure a certain degree of stability in providing Federal grant funding so as to promote long range strategic planning. The Federal government should thus avoid sudden, unwarranted policy shifts which would result in reduced financial support for those state, county and local programs and strategies which have proven to be effective, and which should be continued and institutionalized.

- Federally supported law enforcement programs should be undertaken in accordance with each state's strategic drug and crime enforcement plan. The ability by a state agency designated by the Governor to prioritize and administer Federal formula grants provides that agency with the ability to ensure that statewide policies, priorities and goals are met.

- The New Jersey law enforcement community strongly supports efforts to enhance and augment community policing projects in those jurisdictions and neighborhoods where community policing is a viable strategy and a necessary response to crime. In fact, the New Jersey Attorney General has dedicated a significant portion of the State's Byrne formula grant award to initiate community policing projects in cities throughout the State which otherwise would not have had the resources to experiment with this important policing strategy.

- In supporting community policing projects, State and Federal law enforcement policy planners must recognize that community policing and the related goal of enlarging the number of uniformed police officers represents an important contribution to the nation's anti-crime efforts, but represents only one strategy from among many that must be aggressively pursued. Moreover, these policy planners must recognize that "problem solving" community policing strategies cannot succeed in urban areas unless other resources are available with which to investigate and disrupt those well-entrenched drug trafficking networks which operate beyond the reach of uniformed patrol officers.

- State and Federal policy planners must recognize that the sudden, explosive growth of community policing projects, unless properly planned and coordinated, can create innumerable problems and can actually work to exacerbate rather than to alleviate the concerns and frustrations of urban residents.

Mr. CONDIT. Thank you, Mr. Blitz.

I want to thank all of you for your testimony today. You've done an excellent job, and we certainly appreciate it. And I know that you've had to wait a long time to make your statements, but I want you to know that they're appreciated, and they're very helpful, I think, in coming to a conclusion that's hopefully some sort of compromise or consensus that everyone can live with.

I do have just a couple of questions, so if I may hold you just a couple of minutes longer. Maybe Mr. Doane or Mr. Blitz both—or anyone who wants to comment on this can, but I direct it to them.

It is my observation over the years—and I have a background of local government, as well—I have watched the formation of these multiple jurisdictions come together and watched over the years the difficulty in building trust between jurisdictions and territorial concern and expertise concern.

And it appears to me, over the years, we have developed a program by which you've got dozens of agencies working together with very little friction and very little overlapping and very little animosity toward either department or jurisdiction. At least where I come from, they rotate the head of the task force periodically, and so on and so forth.

It has worked out, but it has taken—and if I'm incorrect about this, please correct me, because I'm looking as just an observer and one who helped allocate money on the local level for these task forces. It appears that it did take some time to do that, to work a system that just the jurisdictions themselves could feel comfortable with each other, that they weren't going to be short-changed when it comes to patrolling or at least oversight of their particular area.

The point I'm making is, now that we're going to change this, do you think that we're going to go back to, if we're out competing in a different kind of program, we're going to have to go back and redo all that again? Or have we already built that trust factor, and whatever program substitute comes in to fill the gap, we won't have to worry about this?

Mr. DOANE. I would like to comment on that. I think you'll see an almost necessary and immediate reversion back to the old way law enforcement did business, almost out of necessity. Because, first of all, you'll see funded positions go away, so there won't really be anybody there to do that combined work.

But second, in what I would like to call the "dark old days" when we competed for cases, for notoriety, for media attention, for assets, it took a long time—you're correct, sir—in developing trust. Developing the administrative subsystems that will allow a task force to run as a separate entity apart from all of its parent agencies, allow the formulation of all the legal documents and the memoranda of understanding that allow asset sharing and also ensure that each of the jurisdictions within a given area that that task force serves gets its equal share of the resources so that they get good drug enforcement service.

Those things take, I would say, a good 2 or 3 years to develop into what we would call a mature task force that operates at peak capacity. And without the people, without the assets to do it, they will be forced to going back in and taking care of their own provin-

cial need for their own agency. I think your statement is absolutely correct.

Mr. CONDIT. Mr. Blitz.

Mr. BLITZ. I would share that. Actually, I think that it's even more regrettable. The smaller municipalities that do not have the manpower to devote to a drug activity, I don't know what they will do. They will have to rely on my office, but without the multijurisdictional task forces, the smaller municipalities are the ones that are really going to suffer.

Mr. CONDIT. I found that, in the beginning of all of this, the small municipalities or counties, small counties, might have resisted participating in this because maybe it was a few thousand dollars or what have you and thought about getting their own office or one office or whatever.

And I think, over the time, we have convinced almost everyone that this is in the best interest, that we go on with these task forces and have these multiple agencies and everything. So I think you're right. If we go back now, small communities are going to be hit extremely hard.

Can you tell me just a little bit for the record, just briefly, about the input local jurisdictions have in putting together the State plan. How do you go about doing that? How do you get everybody on board and participating in that?

Mr. DOANE. Well, in California, for the State master plan and the spending plan for Mr. Johnson's shop, there is an executive working group made up of sheriffs, chiefs, probation officers, district attorneys, representatives from the attorney general's office, and they try and cover the whole criminal justice and some of the treatment and prevention realm at the executive level to make policy decisions on what kind of funding criteria there should be, what kind of parameters that a new program or an existing program has to match to meet 1 of the 21 defined subprogram areas.

Mr. CONDIT. Do they take into consideration—we heard this morning the Justice Department talk about "greatest need." And do they take into consideration the flexibility of crime to move around? I mean, if you go into Los Angeles, you may have a problem there for awhile, but what happens is it disburses once you clamp down there? Does your State plan take that into consideration?

Mr. DOANE. It does, because each year, when you submit your quarterly progress reports on that grant—and they're very strict performance qualities in all those programs—you have to show what your performance level was. And if the need is no longer evidenced by good performance, then that's a clear indication that there needs to be a fund shift to another area.

And each program identifies new problems each grant year that they submit their requests. So there's an ongoing evaluation process of every one of those programs.

Mr. CONDIT. Anyone else want to comment on that?

Mr. Mulvihill.

Mr. MULVIHILL. Congressman, we do an annual needs assessment and get input from all segments of the law enforcement community and the larger community. Our attorney general meets

quarterly with our State Chiefs Association leadership and its executive board and monthly with our county prosecutors.

And, basically, all of the policy in New Jersey is done on a collegial basis with our prosecutors and police, in terms of setting State policy. And the prosecutors, in turn, establish county policy with their police chiefs. So we do this with this program, as well as on a regular basis.

Mr. CONDIT. Mr. Albo, did you want to comment to that, sir?

Mr. ALBO. Yes, sir. Mr. Chairman, in Arizona, planning is done through the Arizona Criminal Justice Commission which is, by law, made up of police chiefs, sheriffs, county prosecutors, members of county boards of supervisors, the courts, probation staff, as well as members of the public appointed by the Governor. Public hearings are held throughout the State on a periodic basis.

We did produce last year the 1994 strategy based on that planning process, and we're in the process of developing the 1995 strategy. The strategy takes into account all of the needs in the State of Arizona. And, as things change, crimes change in Arizona, then funding is shifted to try to compensate for that.

Mr. CONDIT. Do any of you have actual experience with applying for discretionary Byrne grants? And, if you do, is the process acceptable? I mean, do you find things move in a timely fashion, or is there a problem there?

Mr. DOANE. We have successfully obtained a couple of discretionary grants, but we have viewed them for a completely different purpose than the formula grants. Formula grants were for an ongoing program with personnel years attached to it. And it should be almost like a complete program package.

We looked at discretionary grants to buy tools of the trade, to buy clandestine lab response vans, something with a very short begin-end cycle, because they're usually on a 1-year basis, rather than 3. So they were—

Mr. CONDIT. So that you didn't have to count all the money for operating?

Mr. DOANE. Right. And they specifically excluded, I think, construction funds and that kind of thing. So they weren't conducive to an entire program approach.

Mr. CONDIT. Was the process in receiving those funds acceptable? Any hitches in it at all?

Mr. DOANE. Under those circumstances, it was. I have to say, though, I wouldn't want to put all the formula grant programs from California on the line under that system, because I think it's going to be way too cumbersome, if you have a number of requests going to Washington to the JA.

Mr. CONDIT. You'll need those 300 people they talked about.

Mr. DOANE. With that number of requests, you might well, yes.

Mr. CONDIT. Anyone else care to comment to that?

Mr. Albo, you stated that 51 percent of the total Byrne effort in Arizona is provided by State or local sources. Maybe you can comment. Have you elected to exceed the 25 percent match program, and are you aware—I think Maryland indicated that they go beyond the match of 25 percent.

Mr. ALBO. Well, yes. The match provided by the local agencies is over half the grant funding. So we do provide that from local and

State sources. And all of that comes, basically, from money seized in our antiracketeering activity and placed in the county or attorney general's funds.

In addition, that money that comes into those funds helps fund a lot of the education and treatment programs that operate in the State. Those programs will dry up if these task forces weren't able to generate that money to help them, also.

Mr. CONDIT. So the task force actually generates the revenue by which you can come up with more than the match fund?

Mr. ALBO. Yes, sir.

Mr. CONDIT. Mr. Doane, I have one final question. And this is for the record. How many jurisdictions in California are involved in the task force funded by the Byrne program? Could any or all of them continue to participate in the program if the program was eliminated?

Mr. DOANE. I believe there are 39 of the county jurisdictions that have countywide programs. And I believe the OCJP does have several others that they administer from the State level. I don't have those right before me. I just can tell you that I've talked to a number of the program staff from those task forces, and they simply cannot afford to continue. A lot of them will fold. I think around 28 or 29 are going to fold.

Mr. CONDIT. Well, that concludes my questions to you. And, once again, I want to tell you that I appreciate very much your being here. I know being the last panel, you have to wait a long time. But it was worth it for us to have you here, and I hope it was worth it for you. And we appreciate it. We may get back to you with some additional questions and hope that we can expect a response. Thank you very much.

[Whereupon, at 2:05 p.m., the hearing adjourned, to reconvene subject to the call of the Chair.]

APPENDIXES

APPENDIX 1.—SUBMISSIONS OF CHAIRMAN GARY A. CONDIT

STATEMENT OF HON. MAJOR R. OWENS
SUBCOMMITTEE ON INFORMATION, JUSTICE, TRANSPORTATION,
AND AGRICULTURE
HEARING ON THE PROPOSED ELIMINATION OF THE BYRNE BLOCK PROGRAM
MARCH 2, 1994

The President's fiscal year 1995 budget request proposes to eliminate the Byrne Formula Grant. Byrne funds have been used by States for 21 different criminal justice purposes, including the establishment of drug demand-reduction education programs, the establishment of multijurisdictional task force programs, the disruption of illegal commerce in stolen goods and property, and the resolution of drug trafficking problems in public housing.

Currently, the State of New York receives in excess of 50 percent of its federal criminal justice dollars through the Byrne Formula Grant. The State has used this money wisely by focusing on crime prevention, drug treatment and other innovative drug programs, drug problems in public housing, and detention alternatives.

It is ironic that a formula grant program, named for a New York policeman killed in the line of duty, may be eliminated and hurt the State of New York so much in the process. While the President's proposal would double the size of the discretionary portion of Byrne to total roughly \$100 million, discretionary spending does not guarantee my district in Brooklyn the money needed to fight the crime that has made so many of my constituents afraid to leave their homes at night. Moreover, discretionary

spending will continue to be squeezed throughout the 1990's as the Congress attempts to get the federal deficit under control.

On the one hand, the President seeks to lock up criminals for life after their third violent offense, while spending billions of dollars of the taxpayers' money to build more prisons and to support countless numbers of prisoners, who may live to be so old that they are no longer a threat to society. On the other hand, the President wants to take away this formula grant on which the States depend to fight one of the primary causes of crime in this country -- drugs. Let's not spend so much of the taxpayers' money on "cleaning up" after crimes have occurred just to give the appearance that we are "tough on crime." Instead, let's attack the root causes of crime in a meaningful way so that we can go about restoring peace to our communities. We can do that by continuing to fund the Byrne Formula Grant.

STATEMENT OF THE HONORABLE BENJAMIN A. GILMAN

BEFORE THE COMMITTEE ON GOVERNMENT OPERATIONS
SUBCOMMITTEE ON INFORMATION, JUSTICE, TRANSPORTATION AND AGRICULTURE

HEARING ON:
FEDERAL ASSISTANCE TO STATE AND LOCAL LAW ENFORCEMENT:
THE PROPOSED ELIMINATION OF THE BYRNE BLOCK GRANT

WEDNESDAY, MARCH 2, 1994
2247 RAYBURN HOUSE OFFICE BUILDING

MR. CHAIRMAN, AND MEMBERS OF THE COMMITTEE, I AM PLEASED TO JOIN WITH YOU TODAY IN DISCUSSING THE PROPOSED ELIMINATION OF THE EDWARD BYRNE MEMORIAL STATE AND LOCAL LAW ENFORCEMENT DISCRETIONARY GRANT PROGRAM.

MR. CHAIRMAN, I COMMEND THE SUBCOMMITTEE'S ATTENTION TO THIS IMPORTANT ISSUE TODAY. AS WE ARE ALL AWARE, THE GROWING INCIDENCE OF VIOLENT CRIME IS A STATISTIC THAT OUR NATION CAN NO LONGER IGNORE. OUR STATE AND LOCAL COMMUNITIES FACE MANY CHALLENGES, AND, COMBATTING VIOLENT CRIME MUST REMAIN A TOP PRIORITY.

THE ENACTMENT OF THE ANTI-DRUG ABUSE ACT OF 1988, WHICH AUTHORIZED THE BYRNE BLOCK GRANT PROGRAM, WAS A MILESTONE IN PROVIDING STATE AND LOCAL GOVERNMENTS WITH THE FUNDING NECESSARY TO COMBAT THE GROWING RISE IN VIOLENT CRIME AND NARCOTICS ABUSE.

I STRONGLY SUPPORT THE MERITS OF BOTH THE FORMULA GRANT PROGRAM AND THE DISCRETIONARY GRANT PROGRAM. AND, I URGE THE ADMINISTRATION TO RECONSIDER THE RECOMMENDATION OF THE FISCAL YEAR 1995 BUDGET WHICH PROPOSES TO ELIMINATE THE FORMULA PORTION OF THE BYRNE BLOCK GRANT PROGRAM.

THE ADMINISTRATION CLAIMS THAT BY ELIMINATING THE FORMULA PORTION OF THE BYRNE GRANT PROGRAM, OVER \$300 MILLION WILL BE SAVED. IF THE ADMINISTRATION'S PROPOSAL IS APPROVED, IT IS CORRECT THAT \$300 MILLION WILL BE SAVED IN APPROPRIATIONS. HOWEVER THE COST TO HUMAN LIFE WILL BE IMMEASURABLE.

FROM COMBATTING GANG ACTIVITY IN OUR HIGH SCHOOLS TO INSTITUTING COMPREHENSIVE APPROACHES TO ELIMINATING DRUG ABUSE; THE BYRNE GRANT FORMULA PROGRAM HAS PROVEN TO BE INNOVATIVE AND EFFECTIVE. IF WE ARE TRULY COMMITTED TO COMBATTING VIOLENT CRIME, WE ARE OBLIGATED TO CONTINUE TO FUND THE BYRNE GRANT FORMULA PROGRAM.

IN FISCAL YEAR 1994, THE BYRNE GRANT FORMULA PROGRAM PROVIDED \$358 MILLION IN FUNDING TO THE 50 UNITED STATES, THE DISTRICT OF COLUMBIA, PUERTO RICO, THE VIRGIN ISLANDS, GUAM AND AMERICAN SAMOA. I AM PLEASED THAT MY STATE, NEW YORK, RECEIVED OVER \$22 MILLION IN FY 1994.

THE FUNDING PROVIDED BY THE FORMULA GRANT PROGRAM HAS SERVED AS AN INVALUABLE RESOURCE TO THE CITIZENS OF NEW YORK. SUCCESSFUL FORMULA PROGRAMS INCLUDE:

- FUNDING ANTI-VIOLENCE PROGRAMS THAT ARE SUPPORTED IN 15 NEW YORK STATE SCHOOLS. BYRNE FORMULA GRANT APPROPRIATIONS TOTAL \$1.7 MILLION.
- FUNDING THREE REGIONAL DRUG ENFORCEMENT TASK FORCES AND THE SOUTHERN TIER DRUG TASK FORCE. BYRNE FORMULA GRANT APPROPRIATIONS TOTAL \$1.1 MILLION.
- FUNDING THE NEW YORK STATE POLICE COMMUNITY NARCOTICS ENFORCEMENT TEAMS PROGRAM. BYRNE FORMULA GRANT APPROPRIATIONS TOTAL \$6.5 MILLION.

THESE ARE ONLY A FEW, OF THE MANY SUCCESSFUL PROGRAMS THAT ARE FUNDED BY THE BYRNE FORMULA GRANT PROGRAM. THE PRIORITIES OF THE GRANT PROGRAM REFLECT THE NEEDS OF OUR STATE AND LOCAL COMMUNITIES, AND FURTHER DEMONSTRATE THE IMPORTANCE OF CONTINUING THIS PROGRAM.

IN SPEAKING WITH MY CONSTITUENTS AND LOCAL COMMUNITY LEADERS, I AM CONTINUALLY REMINDED OF THE SUCCESS OF THE BYRNE GRANT FORMULA PROGRAM. ON BEHALF OF THE CITIZENS WHOSE LIVES HAVE BEEN POSITIVELY AFFECTED BY THE BYRNE GRANT FORMULA PROGRAM, WE MUST CONTINUE TO FUND THIS SUBSTANTIVE PROGRAM. POLICIES THAT HAVE PROVEN TO BE EFFECTIVE MUST BE PERSEVERED. FOR ONLY BY WORKING TOGETHER CAN WE TRULY COMBAT VIOLENT CRIME AND NARCOTICS ABUSE.



CITY of MODESTO

Police Department:

(209) 572-9500 FAX 523-4082

601 11th Street, P. O. Box 1746, Modesto, CA 95353

(TDD (209) 526-9211 Hearing and Speech Impaired only)

February 24, 1994

The Honorable Gary Condit
United States Congressman
1123 Longworth Building
Washington D.C. 20515-0518

Dear Gary:

It is our current information that Congress is considering elimination of all funding of the Edward Byrne Memorial State and Local Law Enforcement Assistance Act. The City of Modesto is a participant in a multijurisdictional drug enforcement agency, Stanislaus Drug Enforcement Agency, which provides drug interdiction throughout the County of Stanislaus. The work of this agency has been greatly enhanced by a block grant of approximately \$300,000 annually for each of the past four years. This block grant is availed to each county in the State of California through the Edward Byrne Memorial State and Local Law Enforcement Assistance Act.

These monies have been reduced by 15 percent for 1994/95, creating a hardship for the agency in its next fiscal year. And now, Congress is considering eliminating the program, altogether, for the next fiscal year. Ten positions are seeded through the grant, and the work of the drug unit is regarded as critical to overall crime reduction efforts in the county at large and in every city in the county.

We fully realize that current plans are to divert these funds to community based policing programs, available to local jurisdictions through competitive grant project applications. We see the benefits of community based policing and have, in fact, embarked on a program of police service delivery through community oriented policing here in Modesto. However, the benefits of the federal countywide drug grant far outweigh the benefits of two or three police officers, should we even get them, working in Modesto in community oriented policing.

City Pride — Citywide

Printed On Recycled Paper

The Honorable Gary Condit

Page 2

February 24, 1994

The Modesto Police Department earnestly urges you to fight for the retention of the funding of the Edward Byrne Memorial State and Local Law Enforcement Assistance Act, as it now exists. Loss of these monies to Stanislaus County will cripple our drug enforcement efforts and the ripple effect of increased violent and property crime will be felt in each and every city in the county.

Again, I reiterate the fact that should the Edward Byrne Memorial State and Local Law Enforcement Assistance Act be unfunded in future fiscal years, the City of Modesto will experience a net decrease in law enforcement efforts and service to the citizens of our community.

Very truly yours,

Paul D. Jefferson
Chief of Police

By:


Tom Donalson, Captain
Acting Chief of Police

cc:

J. Edward Tewes, City Manager
Paul Baxter, Deputy City Manager



STANISLAUS DRUG ENFORCEMENT AGENCY

P. O. BOX 3484

MODESTO, CALIFORNIA 95353

(209) 528-6300

FAX (209) 528-7259

February 24, 1994

The Honorable Gary Condit
United States Congressman
1123 Longworth Building
Washington D.C. 20515-0518

Dear Gary:

The Stanislaus Drug Enforcement Agency (S.D.E.A.) has been informed that Congress is considering elimination of all funding of the Edward Byrne Memorial State and Local Law Enforcement Assistance Act. The S.D.E.A. is a multi-jurisdictional drug enforcement agency which provides drug interdiction throughout the County of Stanislaus. The work of this agency has been greatly enhanced by a block grant of approximately \$300,000 annually for each of the past four years. This block grant is availed to each county in the State of California through the Edward Byrne Memorial State and Local Law Enforcement Assistance Act.


These monies have been reduced by 15 percent for 1994/95, creating a hardship for the agency in its next fiscal year. And now, Congress is considering eliminating the program, altogether, for the next fiscal year. Ten positions are seeded through the grant, and the work of the drug unit is regarded as critical to overall crime reduction efforts in the county at large and in every city in the county.

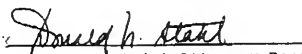
The Stanislaus Drug Enforcement Agency earnestly urges you to fight for the retention of the funding of the Edward Byrne Memorial State and Local Law Enforcement Assistance Act, as it now exists. Loss of these monies to Stanislaus County will severely impact our drug enforcement efforts and the ripple effect of increased violent and property crime will be felt in each and every city in the county.


We, the undersigned, as representatives of the S.D.E.A. Advisory Board, stress the fact that should the Edward Byrne Memorial State and Local Law Enforcement Assistance Act be unfunded in future fiscal years, this county will experience a net decrease in law enforcement efforts and service to the citizens of our community.

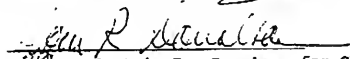
The Honorable Gary Condit
 Page 2
 February 24, 1994

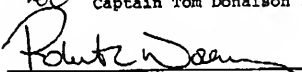
Very truly yours,

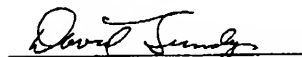

 Sheriff Les Weidman, Stanislaus County

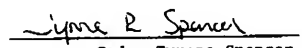

 District Attorney Donald Stahl, Stanislaus County


 Sgt. Fred Perez for Chief Gail Peterson, Ceres Police Department


 Captain Tom Donalson for Chief Paul Jefferson, Modesto P.D.


 Chief Probation Officer Robert Norem, Stanislaus County


 Chief David Gundy, Oakdale Police Department


 Cmdr. Tyrone Spencer for Chief Bill Middleton, Patterson P.D.

APPENDIX 2.—SUBMISSIONS OF REPRESENTATIVE ROBERT E. WISE, JR.



STATE OF WEST VIRGINIA
OFFICE OF THE GOVERNOR
CHARLESTON 25305

February 17, 1994

GASTON CAPERTON
GOVERNOR

The Honorable Robert E. Wise, Jr.
U.S. House of Representatives
1421 Longworth House Office Building
Washington, DC 20515

Dear Congressman Wise:

I made some "tough choices" in the budget of the State of West Virginia for the forthcoming fiscal year. I understand, therefore, why President Clinton made similar choices in the federal budget and I further understand the difficulty he faced in determining which programs to cut. However, the proposed elimination of one particular federal program will substantially hinder the ability of both the State of West Virginia and the United States to provide for the public's safety from drug-related and violent crimes, and, for that reason, I must ask that the decision to terminate the Edward Byrne Memorial State and Local Law Enforcement Assistance Program (Drug Control and System Improvement) be reconsidered.

The Byrne Memorial program provides, at this time, the following benefits for the State of West Virginia:

- ** Funding for over 100 law enforcement jobs.
- ** Funding for Project DARE (Drug abuse Resistance Education) in 37 counties of the State.
- ** Funding for the Multi-jurisdictional Drug and Violent Crime Task Forces that effectively combine the efforts of the State Police and local law enforcement agencies in 30 counties of the State.
- ** Funding for the treatment of drug and alcohol dependent offenders in the state's prisons or regional correctional facilities.
- ** In total, funding of approximately \$3.5 million dollars each year through over 100 grants to the state or its communities.

As you can see, the elimination of the federal program effectively means the elimination or severe restriction of many of the State's programs directed at solving the increasingly troubling drug problem and the troubling increase in the rate of violent crime.

OFFICE OF THE GOVERNOR

The Honorable Robert E. Wise, Jr.
February 17, 1994
Page Two

To lessen the impact of the loss of the program, I have been told that money will be allocated to a discretionary grant program. The awarding of such grants inherently favors the larger urban areas of the nation and inherently excludes a rural state such as West Virginia. As an example, no application by the State of West Virginia has been approved in the Police Supplement Hiring Program or the Cops on the Beat Program. I cannot deny that the nation's inner cities are in crisis, but the State of West Virginia faces an increasingly real problem that cannot be ignored.

Moreover, the Byrne program allows each state to devise programs which effectively and efficiently address its unique problems. With discretionary grants, the federal authority designs the program and, many times, the design fits a large urban area that is simply ineffective in more rural areas such as the communities of the State of West Virginia.

Simply stated, the Byrne Memorial program is an important part of this administration's effort to promote the public safety of the citizens of West Virginia. I ask, therefore, that you encourage the reconsideration of the proposed termination of the program.

If you require further information or if you have any questions, you should not hesitate to contact James Albert, Director of the state's Criminal Justice and Highway Safety Division at (304) 558-8814.

Sincerely,


Gaston Caperton
Governor

GC/nc



West Virginia State Police
725 Jefferson Road
South Charleston, West Virginia 25309-1698

Executive Office

February 8, 1994

Gaston Caperton
Governor

Colonel Thomas L. Kirk
Superintendent

Honorable Robert E. Wise, Jr.
United States House of Representatives
2434 Rayburn House Office Building
Washington, DC 20515

Dear Congressman Wise:

On Friday, February 4, 1994, the Washington Post printed an article outlining President Clinton's plans to terminate one hundred and fifteen federal programs. This plan includes the block grant portion of the Edward Byrne Memorial Grant program, which is administered by the Bureau of Justice Assistance.

I have corresponded with you and spoken with members of your staff in the recent past concerning reductions in this program. It appears that our worst fears are coming to pass since the President apparently intends to eliminate this most important program.

Every day, as police officers, we are urged to tailor our efforts to combat the ever rising violent crime rate. To work towards the accomplishment of this task requires broad based support, yet this support is now being threatened. The termination of this program would eliminate a resource which is critical to our efforts.

Our task forces are purposely designed to combat both drug trafficking and violent crime. This design was an obvious choice, since the two are so closely interrelated. The elimination of this funding would result in personnel reductions, shortages in investigative resources, and would, overall, seriously jeopardize the cooperative policing efforts which have been so successful to date.

There have been suggestions that funds from the block grant program may be shifted to a discretionary grant program, thereby providing for closer scrutiny of each request. If this happens and the present trend continues, West Virginia will most likely not receive necessary funding in support of its policing efforts. In the past this type of funding has routinely been awarded to larger

THE HONORABLE ROBERT E. WISE, JR.
FEBRUARY 8, 1994
PAGE TWO

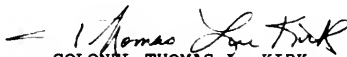
metropolitan areas, despite the fact that they already had more law enforcement resources available, both in terms of their individual tax base and in terms of the existing Federal law enforcement presence. West Virginia has never fallen within this category and if final approval is received, the Firearms Task Force grant which we are currently applying for will be a first for our state. Based upon past experience, President Clinton's plan, if implemented, will be devastating to public safety in West Virginia.

I would also note that rural states in general, West Virginia included, have already been overlooked by the President's initiatives to increase the number of police officers on the street. My staff has reviewed the parameters of the Police Hiring Supplement Program in detail. By its very design it simply is not applicable to rural jurisdictions, nor does it appear to be applicable to any "state level" law enforcement entity. Although rural states such as ours received a smaller share, since the Byrne Memorial block grant program is population based, it was at least something we felt we could count on. It now appears that rural law enforcement may be completely cut off from support which is crucial to our efforts. The people of West Virginia pay Federal taxes like all other Americans; they are entitled to better treatment than this.

I urge you to strongly support the preservation of the state administered federal assistance delivery system currently in place under the United States Department of Justice administered Edward Byrne Memorial Grant Program.

We, in the West Virginia law enforcement community, are aware of the importance of controlling federal spending, however, there is no more critical need in this nation than to reduce crime and violence. The law enforcement community is grateful for the assistance you have rendered in the past and again we ask for your help in preserving the integrity of this vitally important program.

Sincerely,


COLONEL THOMAS L. KIRK
SUPERINTENDENT

TLK/keb



**CITY OF
CHARLESTON, WEST VIRGINIA
POLICE DEPARTMENT**

P.O. BOX 2748

KENT STRANGE HALL
MAYOR

CHARLESTON, WEST VIRGINIA 25330



DALLAS S. STAPLES
CHIEF OF POLICE

(304) 348-8174

(304) 348-6480

28 February 1994

The Honorable Robert E. Wise, Jr.
United States House of Representatives
1421 Longworth House Office Building
Washington, District of Columbia 20515

Dear Representative Wise:

It has come to my attention that the proposed executive federal budget includes the termination of the Edward Byrne Memorial State and Local Law Enforcement Assistance Program (Drug Control and System Improvement grants for state and local law enforcement agencies). In recent years, this program has been a critical source for supplemental funding for our local law enforcement efforts.

Over the past five years, the Byrne Memorial Program has provided the following assistance to the City of Charleston and the Charleston metro area:

\$184,000 was provided for Project DARE. As a direct result of this funding over 6000 school children in the Charleston area have received the basic DARE course. In addition, this funding enabled the Charleston DARE unit (designated as the state DARE training agency by DARE America) to train more than 125 law enforcement officers throughout the state to be DARE Instructors in their respective localities.

More than \$100,000 was obtained by the Charleston Police Department under the Integrated Criminal Apprehension Project (ICAP) that was utilized to setup the West Virginia Criminal Information Network, a computer information exchange system between several southern West Virginia law enforcement agencies.

Also, approximately \$800,000 in funding has been received by the City of Charleston on behalf of the Metro Drug Enforcement Network Team (MDENT). This drug task force has consisted of law enforcement officers from the Cities of Charleston, South Charleston, Dunbar, Nitro, St. Albans, and Chesapeake and the Kanawha County Sheriff's Department. Efforts

of MDEMT over this period have resulted in more than 1500 drug related arrests and the seizure of more than \$2,500,000 worth of illegal drugs.

To lessen the impact of the loss to local and state agencies of funding from the Byrne Memorial Program, I understand that funds are to be allocated to a discretionary grant program. Historically, law enforcement agencies in West Virginia have not received funding through discretionary programs. I am less than optimistic regarding such future funding for the Charleston area.

As Chief of Police of the capital city of the State of West Virginia, I strongly urge you to do everything within your power to insure that the Edward Byrne Memorial State and Local Law Enforcement Assistance Program be reinstated to the federal budget at its current 1994 fiscal funding level. The loss of these funds will be disastrous to state and local law enforcement efforts in West Virginia.

Sincerely,



Dallas S. Staples
Chief of Police

COUNTY OF CABELL
STATE OF WEST VIRGINIA
PROSECUTING ATTORNEY
TELEPHONE (304) 526-8653

CHRISTOPHER O. CHILES
PROSECUTING ATTORNEY

SUITE 380
CABELL COUNTY COURTHOUSE
HUNTINGTON, WEST VIRGINIA 25701

March 1, 1994

Honorable Bob Wise
U.S. House of Representatives
229 Cannon House Office Building
Washington, DC 20515

Dear Congressman Wise:

It is my understanding that you are going to be testifying on Wednesday, March 2, 1994, in an effort to seek restoration of the Edward Byrne Memorial Formula Grant Program, which was recently cut. Please be advised that the West Virginia Prosecuting Attorney's Association, for which I am the Second Vice President, and all law enforcement officers in the State of West Virginia strongly support your effort to restore these monies. I cannot begin to tell you how important and in how many different ways those monies affect drug enforcement, prosecution and interdiction with our youth in our state.

As a prosecutor, I certainly know the impact that these monies and the programs which they have funded for the past few years have made. Among other things, the formula has funded assistant prosecuting attorneys who do drug prosecutions. These are people who would not otherwise be employed as prosecuting attorneys. These assistant drug prosecutors funded by the Byrne monies are responsible for the vast majority of drug prosecutions in the circuit courts of this state. Many, if not most of these cases would either not be brought at all or would be plead down and treated much differently were the extra man-power not available in these prosecutors' offices through this grant money.

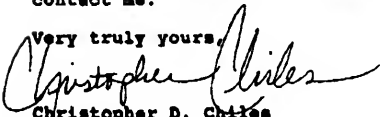
Additionally, just in my portion of the state, I know that the drug task forces are funded largely, in some cases almost solely, by the Byrne monies, and are responsible for putting literally over one thousand drug dealers in prison. Again, these are offenders who would, in all likelihood, not have been apprehended, much less prosecuted, and would therefore still be on the streets selling their drugs to the young adults and youth of our state. If the funding is not restored that will be what happens in the future.

Another program of the utmost importance for which the fund is responsible is the DARE program. This program is, in my opinion, having a very positive effect in drug interdiction with our youth in this state, certainly in my county. I am informed that over three thousand five hundred middle school children have successfully completed the DARE program in Cabell County. That is hopefully three thousand five hundred young men and women who will not use drugs in the future and realistically represents atleast several thousand young men and women who will not use drugs in the future because of this program. Additionally, through DARE funding, the Huntington Police Department has recently started a program for parents of middle school age children discussing drug awareness and dealing with children and the pressures to try drugs. This is a pilot program for the entire state, and while only two sessions have been held so far, the response has been very positive and the state officials involved in the DARE program are very excited about this pilot program. Again, that program will not continue if these monies are not restored.

These are just a few of the examples of why restoration of these funds is so important to the citizens of this county and the citizens of the State of West Virginia, especially the young people of this state. Please be assured that the entire law enforcement community of West Virginia and indeed the citizens of West Virginia fully support you in your efforts to restore this funding. We cannot rely on the "hope" of discretionary money being funneled into West Virginia. It seems such discretionary funds never find their way to our state!

If I may be of any further assistance please feel free to contact me.

Very truly yours,



Christopher D. Chiles
Prosecuting Attorney

CDC/dlp



**CITY OF
HUNTINGTON**
WEST VIRGINIA

POLICE DEPARTMENT
ADMINISTRATIVE DIVISION
P.O. BOX 1659 ZIP 25717
(304) 696-5560

March 1, 1994

Honorable Bob Wise
United States House of Representatives
Washington, D.C. 20515-1101

Dear Representative Wise:

It has come to my attention that the United States Congress has recommended to eliminate the Edward Byrne Memorial Formula Grant Program (Drug Control and System Improvement Program). I also understand that you are an advocate for the reinstatement of this program and are scheduled to testify on Wednesday, March 2, 1994. I am writing to express my support of your efforts and to provide as much assistance as possible in your success.

I am a Huntington Police Officer and have had the privilege of being involved with the D.A.R.E. Program (Drug Abuse Resistance Education) for the past five years. Huntington and the Cabell County Board of Education has successfully graduated over 3,500 sixth grade students since 1989. Without the funding made available from the Edward Byrne Memorial Formula Grant Program we would not have been able to implement or continue the program.

I am member of the National DARE Officers Association and am currently serving as the President of the West Virginia DARE Officers Association. I am concerned of the future of the DARE Program in the State of West Virginia. There are approximately 150 Law Enforcement Officers in West Virginia who are trained as DARE Officers and are teaching this substance abuse prevention program in 37 counties. Huntington has been fortunate to have had the opportunity to be funded through our program's formative stages and are now looking to our community for financial support. There are, however, many smaller communities across West Virginia that are serviced by small law enforcement agencies with limited resources who will not be able to continue their respective DARE Programs without the assistance that this grant has provided.

"HUNTINGTON - THE BEST IS YET TO COME!"

The DARE Program has proven to be successful and it's scope has been expanded over the past several years. Huntington has recently completed two DARE Parent Training Programs which have served as pilot programs for the state. DARE has also been expanded to include curriculums for kindergarten through high school students. The core curriculum (grades 5-6) has been changed to include modules on violence and gang activities in efforts to respond to the increases in juvenile violence across the country. I feel these changes will directly benefit West Virginia in it's efforts to maintain an environment that is conducive to raising families that we have grown accustomed.

I am also the chairman of the Legal Issues Committee for the Cabell County Coalition of Substance Abuse Prevention, a federally funded organization whose goals include the compilation of community resources and efforts to deter the growth of substance abuse in Cabell County. In my capacity as Legal Issues Committee Chairman and Steering Committee Member, I also support your efforts and realize that any reductions in funding for prevention efforts will result in additional requests for the limited resources available through organizations like ours around the state. Allocations directed towards the continuation of ongoing programs such as DARE will reduce monies available to finance new programs and efforts by community organizations within our influence.

Your efforts are appreciated and supported by West Virginia DARE Officers and the citizens of Huntington. If I can be of any assistance, please contact my office at 304-696-5560.

Sincerely,



PFC Mike Davis
President,
West Virginia DARE
Officers Association *AM*

and,

Chairman,
Legal Issues Committee
Cabell County Coalition on
Substance Abuse Prevention



Office of the Kanawha County Sheriff

Sheriff Art Ashley

Post Office Box 2741

Charleston, West Virginia 25330

304 357-0200 Fax: 304 357-0323

February 28, 1994

The Honorable Robert Wise
United States Congressman
107 Pennsylvania Avenue
Charleston, West Virginia 25302

Re: Presidential plan to eliminate funding for critical
law enforcement programs

Dear Congressman Wise:

I know you are somewhat familiar with the programs we have in place to work with the young people of our community. We were able to initiate these programs with federal grants. It is incredible to learn that the programs that have worked so successfully are not a part of the President's Congressional budget plan.

Our programs are all geared to young people. They are positive, reinforcement programs for good kids that we are trying to help so that they will uphold our laws and become our leaders in the future. The programs work. The support is needed, and it is hypocritical to talk about putting hundreds of thousands of police officers on the street and taking credit for efforts to fight crime and at the same time, take away the tools.

On this day when the Brady Bill becomes law, I can tell you that there is nothing that has been offered by the President or Congress that's going to put more Kanawha County deputies on the road, and I can also tell you that the only help we have received from the federal government is being taken away if the President's budget proposal is adopted.

You have worked with us and know that we have a proud and capable department of professional law enforcement officers that we take great pride in. Even without federal help, we have no intentions of folding our tents and caving in to the criminal element. However, I must say that the President's plan to cut this essential funding does not give me a warm feeling; it only makes me hot under the collar.

Respectfully submitted,

KANAWHA COUNTY SHERIFF

A handwritten signature in dark ink, appearing to read "Art Ashley". Below the signature, the name "Art Ashley" is printed in a small, sans-serif font.
Art Ashley

AA/kss



Together For Positive Change.

March 1, 1994

The Honorable Bob Wise
U.S. House of Representatives
Washington, D.C. 20515-1101

Dear Representative Wise,

It is our understanding that the U.S. Congress has recommended to eliminate the Edward Byrne Memorial Formula Grant Program (Drug Control and System Improvement Program).

We also understand that you are an advocate for the reinstatement of this program.

The Cabell County Coalition for Substance Abuse Prevention works closely with the Huntington Police Department. HPD is a member organization and actively involved, especially through their D.A.R.E. Program, in educating local parents and youth concerning the issue of substance abuse prevention.

Our membership roster consists of more than 150 organizations in Cabell county and the City of Huntington. Please accept our support of efforts such as those funded by the Byrne Program.

Respectfully,

Larry D. Patterson

Reverend Larry D. Patterson
President

P.O. Box 6486 • 732 14th Street West • Huntington, WV 25772-6486
(304) 523-0333 • Fax (304) 523-0525





**HARRISON COUNTY
SHERIFF AND TREASURER
WAYNE L. GODWIN**

301 WEST MAIN STREET
CLARKSBURG, WEST VIRGINIA 26301
(304) 624-8550

February 15, 1994



*The Honorable Robert "Bob" E. Wise, Jr.
United States Congress
2434 Rayburn Office Bldg.
Washington, D.C. 20515*

Dear Congressman Wise:

Members of this areas Drug Task Force, which covers Harrison, Lewis, and Upshur Counties, including the cities of Clarksburg and Bridgeport, working closely with the West Virginia State Police, DEA, FBI, and IRS, respectfully urges you to support the full funding for the Byrne Memorial grant program in fiscal 1995.

When recommendations are submitted to Congress by the Federal Office of Management and Budget, we certainly hope the recommendations covering the U. S. Department of Justice, Office of Justice Programs, will include a sufficient allotment to preserve the viability of the Byrne Memorial Program. This program has in the past provided State and local governments a financial wedge to develop and implement new approaches to preventing and controlling crime.

You are aware that the need to reduce crime and violence is very critical. The public has a definite right to expect to be safe and secure at home and in the streets. Also a right to turn to the government for the resources to meet this expectation.

Congressman Wise, we stand fully in support of your efforts to increase federal aid to State and Local governments, and respectfully urge you to employ the Byrne Memorial grant funds delivery system in the distribution of any future criminal justice grant-in-aid program, and to support full funding of the Byrne Memorial grant program in fiscal 1995.

Sincerely,

Wayne L. Godwin

*Wayne L. Godwin
Sheriff of Harrison County*

LAW ENFORCEMENT DIVISION
(304) 623-6655

PROCESS SERVERS
(304) 624-8546

CORRECTIONAL CENTER
(304) 624-8530

TAX OFFICE
(304) 624-7981

AUTO LICENSE
(304) 624-8688

City of Summersville Police Department

CHIEF GARRY EVANS

400 NORTH BROAD ST.
P.O. BOX 525
SUMMERSVILLE, WV 26651-0525

TELEPHONE
(304) 872-1920
February 16, 1994

The Honorable Robert E. Wise, Jr.
U.S. House of Representatives
2434 Rayburn Office Building
Washington, D.C. 20515

Dear Congressman Wise:

It has been brought to my attention that the recently submitted federal executive budget recommends the elimination of the Edward Byrne Memorial Formula Grant Program. This program is the primary source of federal funding for local drug enforcement and anti-crime programs.

Elimination of federal funding of drug control and system improvement grants would devastate communities such as Summersville. Already operating under a tight budget, there is no available local funding for programs to subsidize the ever-growing need for drug enforcement personnel or education.

As chief drug enforcement officer for the Summersville Police Department I have first-hand knowledge of the drug activities in our community and the surrounding area and am currently an active participant in a multi-county task force. Through these activities we have held the onslaught of major drug trafficking and related crimes at bay.

I'm certain you need no reminders that US 19, the direct north-south connection, running through the City of Summersville, is a virtual pipeline for transporting narcotics. As recently as two weeks ago our dog handler confiscated two pounds of marijunana from a vehicle he had stopped on US 19. This interdiction was made possible by a grant program.

The Honorable Robert E. Wise, Jr.
U.S. House of Representatives
February 16, 1994

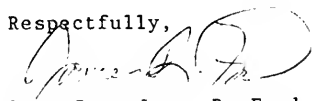
Page -2-

Personnel, training and equipment made available through federal funding have enabled us to keep the low crime rate that West Virginia has enjoyed. Without federal assistance, criminal justice programs will come to a screeching halt and the small towns throughout the state, like ours, will become part of the ever-growing statistics of rampant crime.

We have been fortunate to have participated in anti-crime programs conducted in conjunction with the Criminal Justice and Highway Safety Division. I believe the strong foundations and groundwork we have achieved will be wasted unless we continue to vigorously pursue drug education and eradication of drug trafficking.

I strongly urge your support of the restoration of the funding of the Edward Byrne Memorial Fund Grant Program. West Virginia needs it; Summersville relies on it and more importantly the kids in our small towns depend on it for without the funding we can't give them the protection they deserve.

Respectfully,



Det. Sgt. James R. Ford
SUMMERSVILLE POLICE DEPARTMENT

JRF:jt



VIRGIL D. MILLER

Sheriff of Upshur County

Court House

Buckhannon, West Virginia 26201

(304) 472-1180

TDD Numbers

Business: 472-9550

Emergency: 911



The Honorable Robert Wise
 United States House Of Representatives
 Suite 1215 Longworth Office Building
 Washington, D. C. 20515

Dear Representative Wise:

I am writing on behalf of the Upshur/Lewis/Harrison Drug Task Force, which also includes the cities of Clarksburg and Bridgeport working in conjunction with the W. Va. State Police, DEA, FBI, and IRS to urge you to preserve the integrity of the State Administrated Federal Assistance Delivery systems currently in place under the U. S. Dept. of Justice - administered Edward Byrne Memorial State and Local Law Enforcement Assistance discretionary and formula grant programs and to employ that delivery system in the distribution of any future criminal justice grant-in-aid programs, including financial assistance specifically intended for local government.

The HLUCTF urges you to support the full funding for the Byrne Memorial grant program in the Fiscal Year 1995 Budget. When the Federal Office of Management & Budget submits its recommendations to Congress for spending for the federal agencies and programs, we are hopeful the recommendations covering the U. S. Department of Justice, Office of Justice Programs will include a sufficient allotment to preserve the viability of the Byrne Memorial grant program.

The Drug Control and Systems improvement/Byrne Memorial grant program (1988-present) have provided state and local governments with the impetus and financial means to develop and implement new and innovative approaches to preventing and controlling crime.

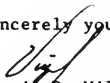
In the Fiscal Year 1994, the appropriation of the Byrne Memorial grant program was reduced by six percent from the previous funding level, after being sustained at \$473 million each year for three fiscal years. However, the strength of these grant-in-aid programs has been in the inducement and flexibility that they have provided the state and the local governments to identify crime priorities and to experiment with new programs that address crime problems. This experimentation and innovation by state and local governments under the Safe Streets Acts Grant-In-Aid Program produces and continues to produce under the Byrne Memorial grant program, many significant and lasting criminal justice initiatives.

We applaud and support your efforts to increase federal aid to state and local governments and urge you to employ the Byrne Memorial grant funds delivery system in the distribution of any future criminal justice grant-in-aid program, including financial assistance specifically intended for local units of government and to support full funding of the Byrne Memorial grant program in the fiscal year 1995 budget.

Page 2

Certainly, there is no more critical need in this nation than to reduce crime and violence. The public has every right to expect to be safe and secure at home and in the streets and turn to the government for the will and resources to meet this expectation. We look forward to working with you in this matter of mutual interest. With kindest and personal regards and sincere best wishes.

Sincerely yours,



Virgil D. Miller,
Sheriff Upshur County

VDM/veb



THOMAS C. DURRETT
CHIEF OF POLICE

CITY OF CLARKSBURG
POLICE DEPARTMENT
227 WEST PIKE ST.
CLARKSBURG, WEST VIRGINIA 26301



304/624-1613
FAX 304/624-1662

February 9, 1994

The Honorable Robert Wise
House of Representatives
1421 Longworth House Office Building
Washington, D. C. 20515

Dear Congressman Wise:

I am writing on behalf of the Harrison/Lewis/Upshur County Drug Task Force, which also includes the Cities of Clarksburg and Bridgeport working in conjunction with the West Virginia State Police, DEA, FBI, and IRS to urge you to preserve the integrity of the State Administrated Federal Assistance Delivery systems currently in place under the U.S. Department of Justice - administered Edward Byrne Memorial State and Local Law Enforcement Assistance discretionary and formula grant programs and to employ that delivery system in the distribution of any future criminal justice grant-in-aid programs, including financial assistance specifically intended for local government.

The HLUCTF urges you to support the full funding for the Byrne Memorial grant program in the Fiscal Year 1995 Budget. When the Federal Office of Management & Budget submits its recommendations to Congress for spending for the federal agencies and programs, we are hopeful the recommendations covering the U.S. Department of Justice, Office of Justice Programs will include a sufficient allotment to preserve the viability of the Byrne Memorial grant program.

The Drug Control and Systems Improvement/Byrne Memorial grant program (1988-present) have provided state and local governments with the impetus and financial means to develop and implement new and innovative approaches to preventing and controlling crime.

In the Fiscal Year 1994, the appropriation of the Byrne Memorial grant program was reduced by six percent from the previous funding level, after being sustained at \$473 million each year for three fiscal years. However, the strength of these grant-in-aid programs has been in the inducement and flexibility that they have provided the state and the local governments to identify crime priorities and to experiment with new programs that address crime problems. This experimentation and innovation by state and local

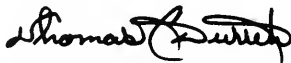
February 9, 1994
Page two.

governments under the Safe Streets Acts Grant-in-Aid Program produces and continues to produce under the Byrne Memorial grant program, many significant and lasting criminal justice initiatives.

Congressman Wise, we applaud and support your efforts to increase federal aid to state and local governments and urge you to employ the Byrne Memorial grant funds delivery system in the distribution of any future criminal justice grant-in-aid program, including financial assistance specifically intended for local units of government and to support full funding of the Byrne Memorial grant program in the fiscal year 1995 budget.

Certainly, there is no more critical need in this nation than to reduce crime and violence. The public has every right to expect to be safe and secure at home and in the streets and turn to the government for the will and resources to meet this expectation. We look forward to working with you in this matter of mutual interest. With kindest and personal regards and sincere best wishes, I remain -

Sincerely yours,

A handwritten signature in black ink, appearing to read "Thomas C. Durrett". The signature is fluid and cursive, with a large, stylized "D" and "T".

Thomas C. Durrett
Chief of Police

TCD/pm



Office of the Kanawha County Sheriff
Sheriff Art Ashley

Post Office Box 2741
Charleston, West Virginia 25330
304 357-0200 Fax: 304 357 0323

February 28, 1994

The Honorable Robert Wise
United States Congressman
107 Pennsylvania Avenue
Charleston, West Virginia 25302

Re: Presidential plan to eliminate funding for critical
law enforcement programs

Dear Congressman Wise:

I know you are somewhat familiar with the programs we have in place to work with the young people of our community. We were able to initiate these programs with federal grants. It is incredible to learn that the programs that have worked so successfully are not a part of the President's Congressional budget plan.

Our programs are all geared to young people. They are positive, reinforcement programs for good kids that we are trying to help so that they will uphold our laws and become our leaders in the future. The programs work. The support is needed, and it is hypocritical to talk about putting hundreds of thousands of police officers on the street and taking credit for efforts to fight crime and at the same time, take away the tools.

On this day when the Brady Bill becomes law, I can tell you that there is nothing that has been offered by the President or Congress that's going to put more Kanawha County deputies on the road, and I can also tell you that the only help we have received from the federal government is being taken away if the President's budget proposal is adopted.

You have worked with us and know that we have a proud and capable department of professional law enforcement officers that we take great pride in. Even without federal help, we have no intentions of folding our tents and caving in to the criminal element. However, I must say that the President's plan to cut this essential funding does not give me a warm feeling; it only makes me hot under the collar.

Respectfully submitted,

KANAWHA COUNTY SHERIFF

Art Ashley

AA/kss

APPENDIX 3.—MATERIAL SUBMITTED FOR THE HEARING RECORD



STATE OF ARIZONA
EXECUTIVE OFFICE

FIFE SYMINGTON
Governor

March 4, 1994

The Honorable Gary A. Condit
U. S. House of Representatives
B-349-C Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Condit:

Thank you for the privilege of being allowed to testify before your subcommittee this past Wednesday, March 2, 1994.

The purpose of this letter is to correct my response to a question you posed regarding the state and local match to Byrne Formula Grant funding. My written statement states that 51 percent is provided by state and local agencies. However, the state and local agencies match only 25 percent from local revenues. In Arizona, those local revenues are exclusively from criminal and civil forfeiture proceedings. The balance of Arizona's match comes from a portion of a surcharge levied on criminal fines which is deposited into a fund managed by the Arizona Criminal Justice Commission.

If you need any other information regarding Arizona's utilization of, and continued need for, Byrne Formula Grant funding, please contact me. Again, thank you for your patience and courtesy during the hearing.

Sincerely,

A handwritten signature in dark ink, appearing to read "Joe Albo".

Joe Albo
Executive Assistant

JA:me



NATIONAL ASSOCIATION OF POLICE ORGANIZATIONS, INC.

Representing America's Finest

750 First Street, N.E., Suite 935 • Washington, D.C. 20002-4241

(202) 842-4420 • (800) 322-NAPO • (202) 842-4396 FAX

March 3, 1994

President

THOMAS J. SCOTTO

President, Detective
Endowment Association
of New York City
New York, NY

Executive Vice President

TONY LOZZO

Senior Vice President
Dade County PBA
Miami, FL

Recording Secretary

O. J. HOLT

President, Central
Coast Chapter, PORAC
San Jose, CA

Treasurer

ROBERT SHEEHAN

President, Hillsborough
County PBA
Tampa, FL

Sergeant-at-Arms

MARTIN McKEAN

Executive Secretary,
Ohio PBA
Berea, OH

Executive Secretary

B. D. "BU" STONE

Past President PORAC
Berkeley, CA

The Honorable Gary A. Condit, Chairman
Subcommittee on Information, Justice, Transportation, and Agriculture
B349C Rayburn House Office Building
Washington, DC 20515

Executive Director

ROBERT T. SCULLY

Legislative Counsel

JULES BERNSTEIN

LINDA LIPSETT

Dear Chairman Condit:

I would like to submit the following letter for the record of the Subcommittee's hearing on the Eddie Byrne Block Grant Program yesterday.

On behalf of the National Association of Police Organizations (NAPO) representing 155,000 police officers and 3,000 police associations and unions throughout the country, I want to express my deep concern about the Administration's intention to eliminate the Eddie Byrne Block Grant Program. While I salute President Clinton for his leadership on putting 100,000 more police officers on our nation's streets, I am most distressed that this important federal program is going to be eliminated.

As you realize, the Administration's Fiscal Year 1995 Budget eliminates the Eddie Byrne Block Grant program, currently funded at \$358 million for Fiscal Year 1994.

A police officer for 26 years in the Detroit Police Department, I know that crime-fighting works best when left to state and local agencies. However, the funding from the Eddie Byrne program is the states' single largest resource.

Countless programs and task forces all across the country will be in serious jeopardy if the Byrne grants are cut. I have heard from my members, police officers from all across the country, who are very upset that they will be losing the funding for their D.A.R.E. programs in schools and their many inter-jurisdictional drug and gang task forces. Many of these programs exist solely on these federal block grants and without the funding, will simply disappear.

I do not believe that a pledge to replace the majority of this important grant program is sufficient. I urge the Administration and Congress to reconsider the concerns of law enforcement and to promptly reinstate this important program.

Sincerely,

Robert T. Scully
Executive Director

c.c. Members of the Subcommittee on Information, Justice, Transportation and Agriculture



ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

120 South Riverside Plaza

Chicago, Illinois 60606-3997

(312) 793-8550

February 24, 1994

Hon. Gary A. Condit
United States Representative
1123 Longworth House Office Building
Washington, D.C. 20515-0518

Dear Representative Condit:

The Authority, a state agency dedicated to the improvement of criminal justice, has administered the Edward Byrne Memorial State and Local Assistance Formula Grant Program on Drug and Violent Crime since the program began in 1989. Illinois' FFY94 award of \$14.7 million will be used to fund close to 100 programs throughout the state. These funds will be used to continue efforts to apprehend and prosecute drug traffickers and violent offenders and also to support rehabilitative correctional programs which offer them an opportunity to lead crime-free lives when they leave the system. The attached impact statement describes Illinois' program in more detail.

The President's proposed FFY95 budget eliminates this program, thereby disrupting a multi-year initiative which has been based on significant and dedicated planning and coordination with Illinois state and local efforts. The result will be a significant loss to the state and to local jurisdictions which are already unable to respond to citizen outcry for more aggressive and effective anti-crime activities.


Ironically, as it cuts the Byrne program, the President's proposed budget specifically makes more funds available for police officers to engage in community policing. While at first this seems like a good idea which we thoroughly support, it 1) prescribes a single strategy regardless of the unique needs of a community, and 2) ignores the fact that front-loading the system by adding more police will result in more arrests, thereby placing even more pressure on the remaining parts of an already overcrowded system. In fact, the Authority estimates that 1,000 more police officers in Illinois would arrest and refer for prosecution more than 3,700 felons which would cost the remainder of the system an additional \$36 million to prosecute and imprison or place on probation. Regardless of the advisability of more police presence, which we support, disbanding multi-county task forces and domestic violence and anti-gang initiatives would be counter-productive.

Clearly, this is no time to be withdrawing critical assistance from local agencies or from the state departments which support them. Rather, it is the time to build on effective programs.

Hon. Gary A. Condit
 February 24, 1994
 Page 2

Please understand that this budget cut of state anti-crime funds for local criminal justice agencies represents a serious breakdown in support both nationally and in Illinois. Your efforts to restore this funding is needed and critical. Please call me or have a staff member contact us.

With best regards,


 Peter B. Bensinger
 Authority Chairman

Enclosures

*Every state will be impacted - Our
 examples in Illinois are duplicated in every
 state - This issue needs a very close
 review by Congress -*



ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

120 South Riverside Plaza

Chicago, Illinois 60606-3997

(312) 793-8550

IMPACT OF ELIMINATION OF THE EDWARD BYRNE MEMORIAL STATE AND LOCAL ASSISTANCE FORMULA GRANT PROGRAM ON DRUG AND VIOLENT CRIME IN ILLINOIS

The Authority has administered the Byrne block grant program since 1989. Illinois' FFY94 award of \$14.7 million will be used to fund close to 100 grant programs. Funds are used to pay all or part of the salaries of 160 police officers and other criminal justice professionals. Funded programs include:

- ▶ 23 multi-jurisdictional programs
- ▶ 7 state and local prosecution programs which serve all 102 counties
- ▶ 10 community-based alternative correctional programs
- ▶ 5 programs within the Illinois Department of Corrections as well as the Department's statewide post-release program
- ▶ 14 state-level programs which support local law enforcement
- ▶ 9 innovative programs which attack drug or violent crime
- ▶ 6 public defender programs

The President's proposed FFY95 budget eliminates this program, thereby disrupting a multi-year initiative which has been based on planning and coordination of efforts. The result will be a significant loss to the state as fewer drug traffickers and violent offenders are systematically identified, apprehended, prosecuted, and convicted.

Additionally, the President's proposed budget makes funds available for more police officers, specifically to engage in community policing. While at first this seems like a good idea it 1) prescribes a single strategy regardless of the unique needs of a community, and 2) ignores the fact that front-loading the system by adding more police will result in more arrests, thereby placing even more pressure on the remaining parts of an already overcrowded system.

Following is a more detailed description of the impact of the elimination of the Byrne Memorial block grant program:

Impact on Enforcement of Drug Laws: The most obvious impact of the elimination of the Byrne block grant program is the termination of effective programs which cannot continue without federal assistance. Eliminated will be:

- ▶ Funding for 105 officers or 30% of the work force of the state's 23 multi-jurisdictional units charged with undercover drug enforcement in 82 of Illinois' 102 counties. (See attached map.) 75% of the arrests made by these units are for drug delivery, more than triple the 20% of arrests made by local departments for drug delivery. As many as 1/2 of these units will close within the next 12 to 18 months when grant funds are no longer available to pay personnel.
- ▶ Funding for 34 attorneys who prosecuted more than 2,000 cases against drug traffickers and gang members. These attorneys had an average conviction rate of nearly 90%.
- ▶ Salaries for 10 police officers and 7 assistant state's attorneys, as well as support staff to close drug houses in Cook County. In the last two years, 700 such "nuisances" have been abated.
- ▶ Training of officers on community policing - more than 2,000 in 1993 - and patrol officers and investigators - more than 1,300 in 1993 - on issues related to drugs and violent crime.
- ▶ Alternative programs which saved jail cells for serious offenders while supervising more than 250,000 hours of work by offenders sentenced to community service.
- ▶ Processing of crime scenes valued at less than \$5,000 (2,862 in 1992), analysis of latent prints, and pioneering work in the area of DNA analysis.
- ▶ Provision of more than 8,000 IDOC inmates with substance abuse education, 1,800 inmates with outpatient treatment, 150 inmates with transitional treatment, and 770 inmates with residential treatment during SFY 1992 and 1993.
- ▶ Supervision of more than 16,000 parolees in a post-prison initiative which

includes drug treatment services.

- ▶ The ability to respond to more than 1,000 requests from state and local law enforcement agencies for assistance in identifying subjects and businesses involved in money laundering.
- ▶ The salaries of 13 officers from the East St. Louis Police Department to apprehend drug offenders (and 2 assistant state's attorneys, 1 assistant public defender, 6 probation officers, 2 deputy sheriffs, and 5 support staff to conduct a special anti-drug initiative in St. Clair County).
- ▶ Drug testing of offenders in 7 counties.
- ▶ The salaries of 13 officers in Chicago to investigate drug traffickers who use the mail to bring illegal substances into the state. In the first 11 months of this program, 117 offenders were arrested and drugs with a street value in excess of \$10 million were seized.
- ▶ The salaries of 19 officers in Joliet and Aurora to implement community policing. Community areas, where these officers have worked most intensively, have experienced a reduction in crime.

Impact on Violent Crime: Efforts to reduce violent crime in Illinois will be adversely affected as well. Eliminated will be:

- ▶ A program for offenders returning to Chicago public housing developments from prison, which emphasizes education, life skills, and job training and employment.
- ▶ Sex offender treatment programs at two prisons - and intensive supervision following release to the community.
- ▶ Two anti-violence initiatives in Chicago - one addressing gangs, the other domestic violence - which have received national attention.
- ▶ Efforts to ensure the accuracy and completeness of the system on which the State relies to check the background of persons who want to purchase handguns or to work with children or who have been arrested for a serious offense. Without these resources, this system will become even more backlogged as submissions are not posted or posted after lengthy delays.

- ▶ A program which has doubled the clearance rate for homicides in the St. Clair and Madison County area.
- ▶ Planned initiatives to work with offenders prone to violence before they return to the community so they are more able to cope once released.

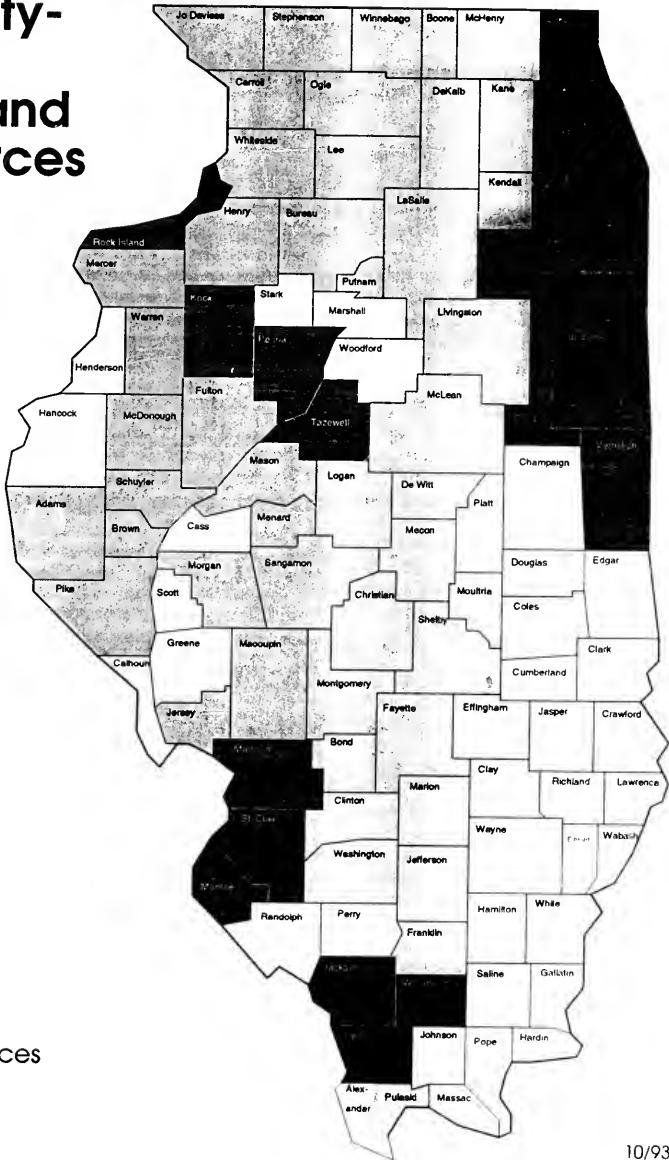
Impact of Federal Proposal: Scarce resources demand that funds be spent where they can have the greatest impact. This cannot be done without comprehensive planning and a coordinated strategy. A planning process that includes extensive data analysis, identification of problems and areas of greatest need, and development of a comprehensive strategy is essential if federal funding is to be maximized.

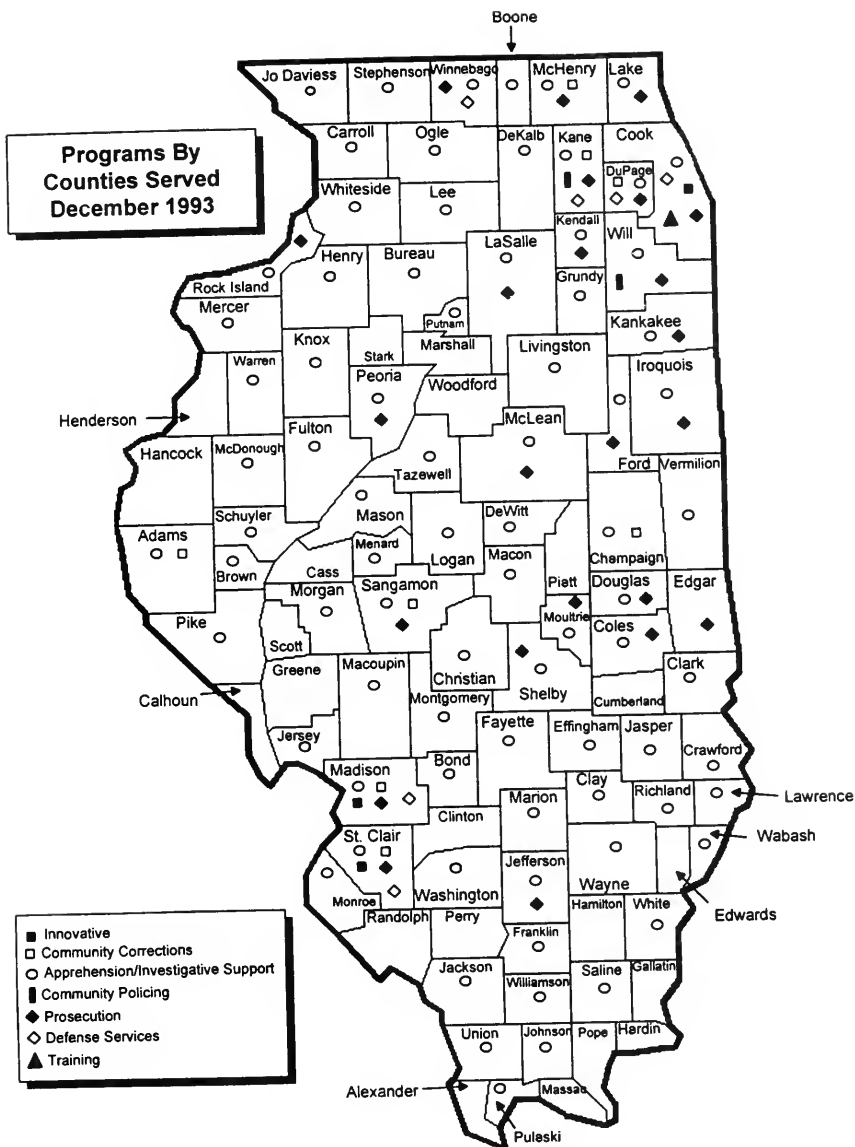
Planning and strategy development are most appropriately done at the state level. While national strategies and plans are helpful in guiding the direction of federally-funded initiatives, the federal government cannot be expected to be in touch with the unique needs and problems of all 56 states and territories and to develop responsive programs.

Without a statewide plan and a single body charged with its implementation there will be no integrated effort to address drugs and violent crime. The Authority, an independent state agency dedicated to improving the administration of criminal justice, is particularly well-suited for this function because its membership includes local and state officials as well as private citizens and it maintains regular contact with state agencies and associations that have an interest in drug and violent crime issues.

The President's proposal to "front-load" the criminal justice system - by adding 50,000 police officers - while simultaneously withdrawing resources from other parts of the system through elimination of the Byrne block grant program - well illustrates this point.

Authority-funded MEGs and task forces







Illinois Association of Chiefs of Police



QUANTUM CENTRE 421 S. GRAND AVE. WEST SPRINGFIELD, IL 62781 217/622-2705 FAX 217/622-6522

OFFICERS 1994

GEORGE F. KOERTGE
Executive Director

LINDA S. KIMZ
Administrative Assistant

RONALD W. PAVLOCK
President
Mount Prospect

GARY J. SCHIRA
3rd Vice President
Bloomington

WILLIAM J. BURKE
1st Vice President
Cook Co. Sheriff's Police

DONALD L. CLINEFF
4th Vice President
Hoffman Estates

JOHN BLAZNIK
2nd Vice President
Ottawa

DARRYL L. SANDERS
Past President
Freeborn

February 21, 1994

Honorable Janet Reno
U.S. Attorney General

Washington, D.C.

Dear General Reno:

On behalf of the Illinois Association of Chiefs of Police, I request that you reconsider the reallocation of the Edward Byrne Memorial State and Local Law Enforcement Assistant Program grant funds to President Clinton's Crime Bill. Such a redistribution will cause a very negative effect to the anti-drug efforts of law enforcement in Illinois.

To fully explain our position, I am enclosing herewith a synopsis of the effect prepared by the Illinois Criminal Justice Information Authority, the administering state agency for federal law enforcement funds. As you will read, the proposal to shift funds will have an adverse effect on vital programs of law enforcement now in place throughout the state.

Please reconsider your plans for such reallocation due to the aforementioned and attached reasons.

Very truly yours,

Ronald W. Pavlock

Ronald W. Pavlock
President

RWP:GPK:lk

enclosure

cc: Dennis Nowicki, ICJIA
G. F. Koertge, IACP
Chief Paul Bollins
Chief John Millner

Cock-Witter
Int'l Assn. of Chiefs of Police
IL Regional Chief Associations



ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

120 South Riverside Plaza

Chicago, Illinois 60606-3007

(312) 788-3330

MEMORANDUM

Date: February 17, 1994
 To: George Koertge, IACP
 From: Candice Kane *Candice Kane*
 Subject: Elimination of Byrne Grant Program in FFY95

As you know, the President's proposed FFY95 budget eliminates funding for the block grants to states which have been used to support undercover drug efforts and a variety of prosecution, probation, and correctional programs as well as several initiatives targeting violent crime. Per your request, I have pulled out some specific points which would be of particular interest to law enforcement. They also respond to those who ask if funds are merely being reallocated from one budget line to another. My answer to that question would be "no" but I'll let you draw your own conclusions.

The Authority is using FFY94 funds to:

- Pay all or part of the salaries of 105 officers assigned to MEGs or task forces, and to pay all or part of the salaries of 34 attorneys who prosecute the drug offenders and gang members they arrest.
- Pay the salaries of 13 officers from East St. Louis to apprehend drug offenders (and 2 assistant state's attorneys, 1 assistant public defender, 6 probation officers, 2 deputy sheriffs, and 5 support staff to conduct a special anti-drug initiative in St. Clair County).
- Train patrol officers, investigators, and command staff statewide.
- Continue processing of crime scenes valued less than \$5,000, analysis of latent prints, and pioneering work in the area of DNA analysis.
- Identify those who profit from drug trafficking, but remain behind the scenes, by analyzing records of cash transactions.
- Pay salaries for 10 police officers and 7 assistant state's attorneys, as well as support staff to investigate and prosecute nuisance abatement violations in Cook County.

- Pay the salaries of 12 officers in Chicago to investigate drug traffickers who use the mail to bring illegal substances into the state.
- Pay the salaries of 19 officers in Joliet and Aurora to implement community policing.
- Underwrite the cost of drug testing for probationers in XX counties.
- Support a variety of in-prison and post-release programs for convicted offenders.

In sum, the salaries of 160 police officers as well as others in the remainder of the criminal justice system will need to be paid by a local agency if these programs are to continue. (I'm working on the direct impact on state agencies which will also be felt by local law enforcement.)

As to what's been "gained":

- Six of the 159 police departments in Illinois which recently sought funding directly from the Department of Justice under the President's new community policing initiative have been named to receive funding thus far. Two to three additional departments may receive funding at a future date.

Department	Federal Award Amount	Officers Funded
Carbondale	\$150,000	2
Carol Stream	\$177,115	3
Chicago	\$4,000,000	50
Country Club Hills	\$238,881	3
East St. Louis	\$977,270	18
Moline	\$375,000	5
TOTAL	\$5,918,266	81

I'll leave it to you to assess the wisdom of putting resources only at the front end of an already overcrowded system or overlooking the fact that coordination and sharing of information do not happen in a vacuum.

Please call with questions. If asked what to do, I'd urge people to communicate any concerns and the impact on programs serving their communities to their Congressional representatives.

P.S.: I've attached some additional information which addresses the impact of our programs to date and outlines, in broad strokes, what will be lost.



ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

130 South Riverside Plaza

Chicago, Illinois 60606-3897

(312) 782-6550

IMPACT OF ELIMINATION OF THE EDWARD BYRNE MEMORIAL STATE AND LOCAL ASSISTANCE FORMULA GRANT PROGRAM ON DRUG AND VIOLENT CRIME IN ILLINOIS

In FFY94, Illinois received \$14.7 million through the Edward Byrne Memorial State and Local Assistance Formula Grant Program to enforce anti-drug and violent crime laws. The President's proposed FFY95 budget completely eliminates this program.

Impact on Enforcement of Drug Laws: The most obvious impact of the elimination of the Byrne block grant program is the termination of vital programs which cannot continue without federal assistance. Specifically:

- ▶ The work force of the state's 23 MEG's and Task Forces charged with undercover drug enforcement in 82 of Illinois' 102 counties will be reduced by 30% or 105 officers. (See attached map.)
- ▶ As many as 1/2 of these units will close within the next 12 to 18 months when grant funds are no longer available to pay personnel.
- ▶ Funding for 34 attorneys who prosecute cases against drug traffickers and gang members which are brought by these units will be eliminated.
- ▶ An already overcrowded system will become even more overcrowded as critical resources are added to the front end of the system (via community policing) and withdrawn from other parts of the system - including prosecution, probation, corrections, offender-directed treatment.
- ▶ Community-based programs which hold drug-addicted offenders accountable while providing treatment will be eliminated in St. Clair, DuPage, Kane, Sangamon, Champaign, and Madison Counties.
- ▶ Prison-based treatment programs and a statewide post-prison initiative which serves approximately 16,000 annually will be eliminated.

Impact on Violent Crime: Efforts to reduce violent crime in Illinois will be adversely affected as well.

- ▶ A program for offenders returning to Chicago public housing developments from prison, which emphasizes education, life skills, and job training and employment, will be eliminated.
- ▶ Sex offender treatment programs at two prisons - and intensive supervision following release to the community - will be eliminated.

- Two anti-violence initiatives in Chicago - one addressing gangs, the other domestic violence - which have received national attention, will be eliminated.
- The system on which the State relies to check the background of persons who want to purchase handguns or to work with children or who have been arrested for a serious offense will become even more backlogged as submissions are not posted or posted after lengthy delays due to lack of funding to address problems with accuracy of the criminal history information.
- A program which has doubled the clearance rate for homicides in the St. Clair and Madison County area will be eliminated

Impact on Coordination: Without comprehensive planning and a coordinated strategy, federal funding will be ineffective, at best. A planning process that includes extensive data analysis, identification of problems and areas of greatest need, and development of a comprehensive strategy is essential if federal funding is to be maximized.

Planning and strategy development are most appropriately done at the state level. While national strategies and plans are helpful in guiding the direction of federally-funded initiatives, the federal government cannot be expected to be in touch with the unique needs and problems of all 56 states and territories and to develop responsive programs.

Equally ineffective is providing funding directly to cities. While cities may be able to identify their most pressing needs, they don't have the benefit of a statewide perspective. City-based planning will result in little emphasis on multi-jurisdictional efforts and possibly programs that duplicate failures experienced in other jurisdictions. Local jurisdictions will have permission to implement programs without regard for the impact it would place on other jurisdictions or other parts of the system. Without a statewide plan and a single body charged with its implementation there will be no integrated effort to address drugs and violent crime.

The Authority is an independent state agency dedicated to improving the administration of criminal justice. The Authority, because of its independent position, is particularly well-suited for this function. Membership on the Authority includes: the Superintendent of the Chicago Police Department, the Cook County State's Attorney and Sheriff, the directors of the Illinois Department of Corrections and Office of the State's Attorney's Appellate Prosecutor, the Illinois Attorney General, a "downstate" chief, sheriff, and state's attorney, and five members of the public who represent victim services, education, and prevention. Regular contact with other state agencies and associations that have an interest in drug and violent crime issues is maintained to ensure programming is coordinated. The Authority is chaired by Peter B. Bensinger, former Director of the Drug Enforcement Administration and the Illinois Department of Corrections and now president of Bensinger, DuPont and Associates. For more information, contact Candice M. Koss at (312) 793-8350.

*Illinois Criminal Justice Information Authority
February, 1994*



ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

130 South Riverside Plaza

Chicago, Illinois 60606-3907

(312) 782-8550

FACT SHEET

While drug and violent crime continue to present the state with significant challenges, Illinois has made a substantial commitment to combat both. Those efforts have had a measurable impact in many different ways. More than 35 major programs are targeting every facet of the state's criminal justice spectrum, including enforcement, prosecution, defense, and corrections, as well as treatment and education. Individually and collectively, those efforts have helped the state:

- Increase the number of drug arrests made by task forces and MEGs by 22%.
- Increase the number of arrests for drug delivery by 30%. More than 75% of the 3,072 drug arrests by Authority-funded programs in 1992 were for drug delivery.
- Increase cocaine seizures by 46%.
- Increase the quantity of cannabis seized by 400% percent between 1989 and 1992.
- Pursue forfeiture action against drug traffickers resulting in \$9.6 million in assets being forfeited in SFY 1992.
- Prosecute more than 2,000 drug offenders in 1993, 1,150 of whom were prosecuted for drug delivery.
- Maintain an average conviction rate for drug cases of 88%.
- Initiate abatement action on more than 700 drug houses in Cook County in two years.
- Train more than 2,000 officers on community policing and more than 1,300 officers on drug and violent crime-related issues.
- Increase the number of property crime cases processed by 43% between 1990 and 1991.
- Respond to more than 1,000 requests from state and local law enforcement agencies for assistance in identifying subjects and businesses involved in money laundering.
- Save limited jail space and obtain more than 4,600 hours of work weekly from offenders sentenced to community service work programs.
- Provide more than 8,000 IDOC inmates with substance abuse education, 1,800 inmates with outpatient treatment, 150 inmates with transitional treatment, and 770 inmates with residential treatment during SFY 1992 and 1993.
- Supervise more than 16,000 parolees in a post-prison initiative which includes drug treatment services.

February, 1994

search to improve federal, state and local criminal, civil and juvenile justice systems. Also, they would encourage the development of new methods to prevent and reduce crime and detect, apprehend and rehabilitate criminals.

♦ The FY95 budget would increase the allocation for the Weed and Seed Program Fund by \$306,000, providing \$13.456 million compared with \$13.15 million in FY94.

DOJ officials say the increase would allow the agency to fund 10 new locations. They foresee a continued expansion of the program, though it's too early to tell whether the new sites would simply be taken from a list of earlier applicants, or whether there would be a new competition.

Under Operation Weed and Seed, federal, state and local law enforcement officers coordinate their activities in a campaign against gangs, drug traffickers and other criminals who terrorize law-abiding citizens.

♦ DOJ requests \$12 million for its Youth Gangs program in FY95, up \$7 million from the \$5 million allocated in FY94.

The program provides grants to public and private nonprofit groups to prevent and reduce the participation of "at-risk" youth in the activities of gangs that commit crimes.

Subtle Funding:

♦ DOJ seeks \$5.621 million for the Missing Children program in FY95—the same amount it received in FY94.

In FY93, \$8.471 million was earmarked for the program, aimed at reducing the incidence of crimes against children, especially kidnappings and sexual exploitation.

The grants fund efforts by families, citizen groups, law enforcement agencies and governmental bodies to ensure the safety and protection of children.

♦ As in FY94, the FY95 budget earmarks \$8 million for victims of child abuse programs.

The funding goes to state and local programs to prevent and prosecute child abuse and improve court handling of child abuse and neglect cases.

Funding Losses:

♦ Under the FY95 budget, \$374.5 million in block

grants would be eliminated from the Edward Byrne Memorial State and Local Law Enforcement Assistance Program, with the money being transferred to the new Crime Control Fund.

However, \$100 million would remain in the program to fund Byrne discretionary grants for various criminal justice functions. This is double the amount requested in the FY94 budget.

Reno defends the abolition of the block grant part of the program, contending that the distribution formula is faulty, although she declines to elaborate. She says DOJ wants to develop a more viable formula for the assistance now that it's under the Crime Control Fund.

♦ The Office of Justice Programs ending abuse project faces a \$374,500 funding reduction.

Under the FY95 budget, the project's funding would be slashed to \$100,000, down from \$474,500 in FY94. DOJ officials say the program largely will be replaced by the community policing program in the Crime Control Fund.

The anti-drug abuse project was undertaken in 1987 to help state and local governments in the war against narcotics.

Programs Eliminated:

The administration proposes to eliminate all federal assistance to the Regional Information Sharing System.

In FY95, facility's grant would be reduced to zero from the \$14,491 million it received in FY94.

RISS serves state, local and federal law enforcement agencies.

Funding For NIC Will Be Reduced Under Clinton's New Budget Plan

The fiscal 1995 budget proposes \$10,774 million for the Nat'l Institute of Corrections, down \$247,000 from the \$11,021 million provided in FY94.

NIC, which is under the Fed'l Prison System, plans to award grants totaling \$1.35 million to state and local corrections jails in FY95, a decrease of \$36,000 from FY94.

The agency, created by the 1974 Juvenile Justice and Delinquency Act, provides guidance to state and local governments on how to improve correctional practices. It awards contracts and grants centering on technical assistance to correctional organizations to help them maintain information systems regarding the latest developments in the field of corrections.

In FY95, NIC also intends to offer training to state and local correctional personnel working in prisons and community correctional facilities. Through its Jail Center, the agency will also continue to improve the knowledge and skills of sheriffs and jail administrators, enabling them to upgrade services and practices within their correctional facilities.

HUD Gets Funds To Try New Programs, New Strategies To Fight Crime and Drugs

The Dept of Housing and Urban Development receives over \$400 million in the president's budget plan to fight crime and drugs.

It's part of the Clinton Admin's efforts to attack social problems through collaboration and comprehensive programs addressing a variety of problems and issues.

Supporters say it will replace the piecemeal approach taken by earlier administrations, while critics charge it's an easy way to actually cut funding while appearing to promote new initiatives.

Agency Requests \$265 Million In FY95 For Partnerships Against Crime

The Dept of Housing and Urban Development seeks \$265 million for its Community Partnerships Against Crime program in fiscal 1995—the same amount budgeted in FY94.

COMPAC, for which congressional authorization is pending, would provide \$255 million in grants to help develop a broad, comprehensive program to reduce crime in general and eliminate violent crime, substance abuse and gang-related activities in public and American Indian housing. (COMPAC would replace the Drug Elimination Grants for Low-Income Housing Program.)

The grants would focus on these activities:

- Anticrime support involving use of local law enforcement agencies and additional security and protective services at housing locations.
- Community policing programs that include initiating foot or bicycle patrols, placing police substations at public housing sites and hiring community relations officers to keep residents informed on safety measures.
- Initiatives using public housing youth to help solve community problems.
- Comprehensive resident services to intervene and prevent crime activities.

From FY89-93, 1,743 public and Indian housing authorities were awarded drug elimination grants totaling \$364,207 million. HUD says all authorities reported a reduction in criminal activity since receiving the funds.

The FY95 COMPAC budget also would set aside \$10 million to:

- Assess crime figures, collect management indicators and conduct on-site reviews and surveys to document the extent of crime problems and the public housing residents' perception of such activities.
- Respond to housing authorities' and residents groups' requests for technical assistance, provide clear-house information regarding effective crime-prevention programs, develop and deliver regional training programs and draft model contracts.

HUD also seeks \$50 million for the drug-related portion of its Community Empowerment Program supporting communities that prevent and remedy child neglect and abuse by providing residential and nonresidential drug and alcohol prevention and treatment programs offering services for pregnant women and mothers and their children.

Nearly \$500 Million earmarked For New Operation Safe Home Program

In preparation for an all-out assault on crime at public housing complexes, the Dept of Housing and Urban Development proposes to allocate at least \$485.27 million for its new Operation Safe Home program in fiscal 1995 (though at least some of the funds would be taken from existing Youth Sports and other programs).

Operation Safe Home would initiate a coordinated attack on crime at housing locations and on bribery, embezzlement and bid rigging involving construction of public housing. It would combat violent crime in public and assisted housing through:

- Tightly coordinated law enforcement and crime prevention at targeted sites.
- Federal initiatives and policies to strengthen law enforcement and crime and drug prevention at housing locations.
- Improved consultation and coordination between HUD and federal law enforcement agencies regarding the design and implementation of HUD's crime-prevention initiatives.

On the white-collar side, Operation Safe Home



ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

120 South Riverside Plaza

Chicago, Illinois 60606-3997

(312) 793-8550

IMPACT OF ELIMINATION OF THE EDWARD BYRNE MEMORIAL STATE AND LOCAL ASSISTANCE FORMULA GRANT PROGRAM ON DRUG AND VIOLENT CRIME IN ILLINOIS

The Authority has administered the Byrne block grant program since 1989. Illinois' FFY94 award of \$14.7 million will be used to fund close to 100 grant programs. Funds are used to pay all or part of the salaries of 160 police officers and other criminal justice professionals. Funded programs include:

- ▶ 23 multi-jurisdictional programs
- ▶ 7 state and local prosecution programs which serve all 102 counties
- ▶ 10 community-based alternative correctional programs
- ▶ 5 programs within the Illinois Department of Corrections as well as the Department's statewide post-release program
- ▶ 14 state-level programs which support local law enforcement
- ▶ 9 innovative programs which attack drug or violent crime
- ▶ 6 public defender programs

The President's proposed FFY95 budget eliminates this program, thereby disrupting a multi-year initiative which has been based on planning and coordination of efforts. The result will be a significant loss to the state as fewer drug traffickers and violent offenders are systematically identified, apprehended, prosecuted, and convicted.

Additionally, the President's proposed budget makes funds available for more police officers, specifically to engage in community policing. While at first this seems like a good idea it 1) prescribes a single strategy regardless of the unique needs of a community, and 2) ignores the fact that front-loading the system by adding more police will result in more arrests, thereby placing even more pressure on the remaining parts of an already overcrowded system.

Following is a more detailed description of the impact of the elimination of the Byrne Memorial block grant program:

Impact on Enforcement of Drug Laws: The most obvious impact of the elimination of the Byrne block grant program is the termination of effective programs which cannot continue without federal assistance. Eliminated will be:

- ▶ Funding for 105 officers or 30% of the work force of the state's 23 multi-jurisdictional units charged with undercover drug enforcement in 82 of Illinois' 102 counties. (See attached map.) 75% of the arrests made by these units are for drug delivery, more than triple the 20% of arrests made by local departments for drug delivery. As many as 1/2 of these units will close within the next 12 to 18 months when grant funds are no longer available to pay personnel.
- ▶ Funding for 34 attorneys who prosecuted more than 2,000 cases against drug traffickers and gang members. These attorneys had an average conviction rate of nearly 90%.
- ▶ Salaries for 10 police officers and 7 assistant state's attorneys, as well as support staff to close drug houses in Cook County. In the last two years, 700 such "nuisances" have been abated.
- ▶ Training of officers on community policing - more than 2,000 in 1993 - and patrol officers and investigators - more than 1,300 in 1993 - on issues related to drugs and violent crime.
- ▶ Alternative programs which saved jail cells for serious offenders while supervising more than 250,000 hours of work by offenders sentenced to community service.
- ▶ Processing of crime scenes valued at less than \$5,000 (2,862 in 1992), analysis of latent prints, and pioneering work in the area of DNA analysis.
- ▶ Provision of more than 8,000 IDOC inmates with substance abuse education, 1,800 inmates with outpatient treatment, 150 inmates with transitional treatment, and 770 inmates with residential treatment during SFY 1992 and 1993.
- ▶ Supervision of more than 16,000 parolees in a post-prison initiative which

includes drug treatment services.

- ▶ The ability to respond to more than 1,000 requests from state and local law enforcement agencies for assistance in identifying subjects and businesses involved in money laundering.
- ▶ The salaries of 13 officers from the East St. Louis Police Department to apprehend drug offenders (and 2 assistant state's attorneys, 1 assistant public defender, 6 probation officers, 2 deputy sheriffs, and 5 support staff to conduct a special anti-drug initiative in St. Clair County).
- ▶ Drug testing of offenders in 7 counties.
- ▶ The salaries of 13 officers in Chicago to investigate drug traffickers who use the mail to bring illegal substances into the state. In the first 11 months of this program, 117 offenders were arrested and drugs with a street value in excess of \$10 million were seized.
- ▶ The salaries of 19 officers in Joliet and Aurora to implement community policing. Community areas, where these officers have worked most intensively, have experienced a reduction in crime.

Impact on Violent Crime: Efforts to reduce violent crime in Illinois will be adversely affected as well. Eliminated will be:

- ▶ A program for offenders returning to Chicago public housing developments from prison, which emphasizes education, life skills, and job training and employment.
- ▶ Sex offender treatment programs at two prisons - and intensive supervision following release to the community.
- ▶ Two anti-violence initiatives in Chicago - one addressing gangs, the other domestic violence - which have received national attention.
- ▶ Efforts to ensure the accuracy and completeness of the system on which the State relies to check the background of persons who want to purchase handguns or to work with children or who have been arrested for a serious offense. Without these resources, this system will become even more backlogged as submissions are not posted or posted after lengthy delays.

- ▶ A program which has doubled the clearance rate for homicides in the St. Clair and Madison County area.
- ▶ Planned initiatives to work with offenders prone to violence before they return to the community so they are more able to cope once released.

Impact of Federal Proposal: Scarce resources demand that funds be spent where they can have the greatest impact. This cannot be done without comprehensive planning and a coordinated strategy. A planning process that includes extensive data analysis, identification of problems and areas of greatest need, and development of a comprehensive strategy is essential if federal funding is to be maximized.

Planning and strategy development are most appropriately done at the state level. While national strategies and plans are helpful in guiding the direction of federally-funded initiatives, the federal government cannot be expected to be in touch with the unique needs and problems of all 56 states and territories and to develop responsive programs.

Without a statewide plan and a single body charged with its implementation there will be no integrated effort to address drugs and violent crime. The Authority, an independent state agency dedicated to improving the administration of criminal justice, is particularly well-suited for this function because its membership includes local and state officials as well as private citizens and it maintains regular contact with state agencies and associations that have an interest in drug and violent crime issues.

The President's proposal to "front-load" the criminal justice system - by adding 50,000 police officers - while simultaneously withdrawing resources from other parts of the system through elimination of the Byrne block grant program - well illustrates this point.

LAWNET

Livingston, Jackson, and Washtenaw
Narcotics Enforcement Teams

ANN ARBOR POLICE DEPARTMENT

BRIGHTON POLICE DEPARTMENT

GREEN OAK TOWNSHIP
POLICE DEPARTMENTHAMBURG TOWNSHIP
POLICE DEPARTMENT

HUYLLS POLICE DEPARTMENT

JACKSON COUNTY
PROSECUTOR'S OFFICEJACKSON COUNTY
SHERIFF'S DEPARTMENT

JACKSON POLICE DEPARTMENT

LIVINGSTON COUNTY
PROSECUTOR'S OFFICELIVINGSTON COUNTY
SHERIFF'S DEPARTMENT

MICHIGAN STATE POLICE

PITTSFIELD TOWNSHIP
DEPARTMENT OF PUBLIC SAFETYWASHTENAW COUNTY
PROSECUTOR'S OFFICEWASHTENAW COUNTY
SHERIFF'S DEPARTMENT

YPSILANTI POLICE DEPARTMENT

February 22, 1994

Hon. Gary Condit
United States House of Representatives
Committee On Government Operations
1123 Longworth Building
Washington, D.C. 20515

Dear Sir;

We are writing to express concerns relative to the potential elimination of all law enforcement programs funded by the Anti-Drug Abuse Act (ADAA) as proposed by President Clinton's new budget. It is our further understanding that these proposed cuts are currently being considered by the Committee on Government Operations charged with oversight of Department of Justice (DOJ) spending. We urge you to restore those funds to upcoming budgets.

On background, we represent the chiefs, sheriffs, prosecutors and state police administrators of a tri-county narcotics task force. Our objective is to investigate and apprehend drug offenders within this rural and medium populated area situated immediately west of the Detroit metropolitan area. We serve about 1/2 million constituents. Much of our drug elimination effort is in conformance with community revitalization and reclamation strategies announced in the Clinton administration's drug strategy.

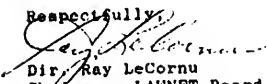
However, half of our 26 member task force is funded by ADAA dollars derived from the DOJ budget. Similarly staffed and funded task forces are in place statewide. Unable to pick-up, locally, the funding of those police officers, the proposed cuts

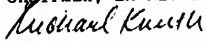
Page #2
DOJ/ADAA Funding
02/22/94

would have a devastating impact on our anti-drug effort and place us in a officer lay-off posture.

Again, we need your assistance urging restoration of ADAA funding to the DOJ budget so that we may continue the fight against drugs in our respective communities. Please call should you desire further information on this vitally important issue.

Respectfully,


Dir. Ray LeCornu
Chairman, LAWNET Board of Control


D/F/Lt. Michael Knuth
Commander, LAWNET



STATE OF ARKANSAS
OFFICE OF THE GOVERNOR
State Capitol
Little Rock 72201

Jim Guy Tucker
Governor

March 1, 1994

Congressman Gary A. Condit, Chairman
House Subcommittee on Government Information,
Justice, Transportation and Agriculture
B-349C Rayburn Building
Washington, D.C. 20515

Dear Chairman Condit:

The fiscal year 1995 Department of Justice budget recently submitted by the President excludes continuation funding for the Edward Byrne Memorial Drug Control and System Improvement Formula Grant Program. It is my understanding that you will convene a meeting of the Subcommittee on March 2 for the purpose of hearing testimony on this budget deletion.

While we will not be able to testify in person, I would ask you to accept this letter which constitutes the State of Arkansas' complete endorsement for the continuation of full funding of the Byrne program. As you are aware, FY 1994 funding was reduced by over 15 percent from the prior year.

When this program began in 1988, Arkansas, like all other states, was experiencing a rapid increase in the use and trafficking of illegal drugs. While we have made significant progress in disrupting the flow of these drugs, as evidenced by arrest data, drug confiscations and the conviction of dealers, the problem remains. This is not the time to withdraw from the fight. The relationship between drug use and trafficking and violent crime is extremely well documented. Recent surveys, both nationally and in Arkansas, show an increased use of alcohol and most illegal drugs by children of junior high age, reversing a promising trend of the past few years.

Other than the limited ability of a very thin State Police narcotics contingent, we believe that over two-thirds of Arkansas' 75 counties will be left without any formal narcotics enforcement if the Byrne Program is ended. Presently the program provides funds to employ 108 narcotics investigators and prosecutors. These positions would be virtually eliminated, since rural governments do not have the financial capacity to absorb such cost.

Chairman Condit
March 1, 1994
Page Two

The community policing concept appears to be a valuable instrument in the crime reduction plan. Certainly we need more police officers operating in a violent crime targeted role. However, the elimination of a statewide narcotics network to help fund the community policing concept would seem to be somewhat counter productive. The recent Police Hiring Supplement Program, after two-thirds of this \$150,000,000 effort has been allocated, will provide community policing services to one Arkansas community.

There are many causes and forms of violent crime. I believe there are many programs that can be implemented to help reduce violent crime. However, as long as illegal drug use and trafficking are a major factor for violent crime, we must continue to provide the means for a significant narcotics enforcement function. Unfortunately, the Administration's proposal for eliminating the Byrne Grant Program is not the direction we should be taking at this time.

I urge you to continue support for the state and local narcotics enforcement effort through the Byrne Program, and urge you to support full funding when the House and Senate appropriation bills are drafted. Thank you for your time and consideration.

Sincerely,



Jim Guy Tucker

JGT/jd/rs



STATE OF NEW YORK
DIVISION OF CRIMINAL JUSTICE SERVICES

RICHARD H. GIRGENTI
DIRECTOR OF CRIMINAL JUSTICE
AND
COMMISSIONER
DIVISION OF CRIMINAL JUSTICE SERVICES

EXECUTIVE PARK TOWER
STUYVESANT PLAZA
ALBANY, NEW YORK 12203

EXECUTIVE CHAMBER
518-474-3334
DIVISION OF CRIMINAL JUSTICE SERVICES
518-457-1260
NEW YORK CITY
212-417-2136

March 1, 1994

The Honorable Gary A. Condit
Chairman
House of Representatives
Information, Justice, Transportation
and Agriculture Subcommittee
Committee on Government Operations
B-349-C Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Condit:

New York State spends over \$1.1 billion annually to fight drug abuse and violent crime. Although this total includes federal anti-drug funding, it does not include costs incurred by counties and localities for police, prosecution, probation, and incarceration services. In New York State the Edward Byrne Memorial formula award has supported important initiatives which have plugged service gaps, permitted the testing of new strategies and improved interagency coordination and effectiveness.

In 1989, an Anti-Drug Abuse Council (ADAC) was established by Governor Cuomo to organize and coordinate the many agencies and services targeting drug use and drug-related crime. State officials from criminal justice, social services, education, health, mental health, veteran's affairs, alcohol and substance abuse services annually assess and prioritize emerging needs and issues in relation to the State's drug control strategy. The Council is also responsible for coordinating the three federal formula grants awarded to New York for law enforcement, prevention and treatment purposes. The additional leverage created by the funding coupled with the Council's coordinating efforts have helped to remove territorial boundaries and administrative barriers that have impeded the implementation of prior anti-drug initiatives.

New York State's drug control strategy is a dynamic, balanced and comprehensive plan. It addresses the coordination of State and local efforts as well as the need to enhance resources allocated to critical program areas such as law enforcement, prosecution, adjudication, and corrections. Based on the strategy, federal formula grant funds have been used to fill critical gaps, such as offender treatment, and to demonstrate the viability of innovative approaches to controlling drug availability and use.

Since 1987, the strategy has evolved to reflect changes in trends, patterns and needs. The strategy has been expanded to include drug prevention through education efforts, enhanced treatment modalities, and treatment diversion. The current spending plan includes an allocation of funds dedicated for the development and demonstration of youth anti-violence initiatives. Programs are now being developed to address youth-related violence occurring in the home, school, and community.

As a direct result of the Byrne Memorial Formula Grant Program, New York State's criminal justice system drug control programs have been improved and enhanced in several significant ways.

- In 1992, the National Training Center Policy Advisory Board accredited New York State as a State Training Center for DARE Instructor Development.
- During the 1992-1993 school year, State-certified instructors presented the DARE curricula to over 120,000 school children. Especially important is the expansion of the DARE Program to Native American children, children of migrant farm workers, and the hearing-impaired.
- The State Division of Parole adopted a comprehensive, agency-wide relapse prevention orientation. An agency-wide training program was delivered to 1,341 Division staff concerning relapse prevention and the addiction recovery process.
- As a result of formula grant funding, the State's law enforcement community has forged important interagency alliances. These alliances include multi-jurisdictional task forces, shared equipment programs, and the State Police Community Narcotics Enforcement Team. These initiatives have significantly reduced jurisdictional tensions and facilitated coordinated drug investigations and arrests.

- The State Police developed a highly successful Community Narcotics Enforcement Team (CNET) Program in which State Police Investigators provide undercover assistance to requesting local and county law enforcement agencies. During 1993, CNET Investigators assisted 90 local agencies in conducting investigations which resulted in 813 arrests. A key element of the program is that State Police investigators do not seek credit for the arrests or a share of the proceeds resulting from the forfeiture of seized assets.
- FFY 1992 funds supported the establishment of two Points of Entry (POE) Programs in Queens and Erie Counties. In a six-month time period, POE investigations resulted in 311 arrests and drug seizures valued at over \$15 million.
- The Mid-Hudson Regional Drug Enforcement Task Force uncovered and seized two cocaine processing laboratories operated by the Cali Cartel. The investigation revealed that the Cartel is utilizing unrestricted and commercially available chemicals to process the cocaine. This discovery has national implications concerning the tracking of precursor chemicals and their use in the cocaine conversion process.
- Ninety-eight municipal and county law enforcement agencies in primarily rural areas received equipment and specialized training to enhance their ability to investigate street-level drug trafficking operations. This capacity-building initiative has led to the establishment of informal task forces and improved interagency coordination.
- A Southern Tier DETF investigation disrupted the establishment of a methamphetamine lab in a rural area and resulted in the seizure of enough chemicals to produce 165 pounds of the drug with an estimated street value of \$2 million.
- Prosecutors in larger counties became more proactive during drug investigations by assuming a leadership role in coordinating multi-jurisdictional investigations. Their early and proactive involvement enhances the coordination of investigations targeting major traffickers.
- The New York County District Attorney's Office continued their highly effective Enhanced Prosecution Project. During the last year, the office opened 868 cases and indicted 407 individuals. Of the 389

convictions, 362 offenders were incarcerated as a result of formula grant support.

- New York State has greatly expanded both institutional and community-based offender counseling and treatment services. Federal and State funds have been used to build a treatment network capable of serving over 100,000 individuals daily.
- Federal funds were used to establish a Nursery Program at the Taconic Correctional Facility for Women capable of accommodating 23 mothers and their babies. During the year, treatment and medical services were provided to 126 drug-involved mothers and their babies. This project facilitates the bonding of mother and child, and promotes the development of parenting skills and a drug-free lifestyle.
- Federal funds have supported several treatment diversion demonstration projects. One, Drug Treatment Alternatives to Prison, will test the use of deferred prosecution and diversion for select non-violent felony offenders who successfully complete a prescribed drug treatment program in five counties of the State.
- Federal funds used in a community-based anti-crime demonstration program have brought the police and the community together as a strong anti-drug offense in 13 sites statewide. These programs have lead to improved communication between police and community residents, the identification of public safety needs, and the implementation of a broad range of activities designed to better meet community needs.

New York and many other States are concerned that the Federal government has embarked on a course of action, that threatens to undermine the States' ability to employ comprehensive planning and programming of assistance to address crime and its associated social problems at the State and local levels of government. Such a course of action also threatens the partnerships that have been forged between State and local governments in the fight against drug abuse and crime.

Actions proposed under the FFY95 Budget threaten to dilute the comprehensive approach taken by New York to deal with drug abuse and crime within its borders. The President's proposed elimination of the Edward Byrne Memorial formula grant program removes a very important funding stream that provides the State flexibility to focus resources and programs on crime and drug abuse needs that are unique to the State and its communities. The targeting of Federal Assistance for crime control to specific program areas of Federal importance belies the fact that the

great majority of crime in the Nation is a local and State responsibility. Federal officials cannot be expected to possess experience of statewide planning and the intimate knowledge of New York State and its communities that is necessary to properly target assistance for crime control.

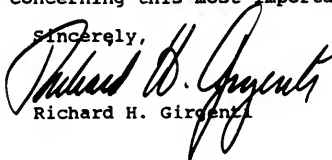
Recent statements made by Administration officials that cities will use federal grant funds awarded for hiring additional police officers to also hire additional prosecutors, demonstrates a basic lack of understanding of the State's criminal justice system. In New York State, prosecution is a county government responsibility and cities, other than New York, have a limited role in providing resources for the provision of prosecution services. However, without the provision of additional Federal assistance for other components of the State's criminal justice system to handle the anticipated increased caseload resulting from adding 100,000 police officers to the streets of our Nation, the State's criminal justice "system" could grind to a halt. The addition of significant resources to the police component of the system will very likely upset the precarious interagency balance that exists among components of the State's criminal justice system (police, prosecution, probation, courts, corrections, defense, laboratories, etc.).

It is imperative that the Federal government recognize the States' critical role and responsibility to coordinate drug and crime control within its borders. The Federal government must avoid the temptation to usurp the role of the States by targeting Federal assistance to specific program areas, levels of governments and components of statewide criminal justice systems.

Furthermore, the formula grant system for providing Federal assistance for criminal justice that was established under the Safe Streets Act has proven to be as efficient, effective and accountable as any mechanism for the distribution of Federal Aid to State and local governments in the entire Federal government. This system has been preserved and prospered for years for the simple reason that no other option for the management and administration of Federal assistance to States and localities has been as extensively tested and performed so well in planning for the allotment, coordinating the distribution, accounting for the expenditure and evaluating the impact of federal funds. To abandon this system now, when the public is demanding increased accountability for government actions and programs, would seem counterproductive.

I commend you and the work of your Subcommittee to determine the actual impact of the President's proposed elimination of the Federal Edward Byrne Memorial formula grant program on State and local drug and violent crime control programs. I appreciate the opportunity to comment concerning this most important issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard H. Girsenti", written in a cursive style.

Richard H. Girsenti



BOSTON PUBLIC LIBRARY



3 9999 05982 811 9

ISBN 0-16-046449-8



90000

9 780160 464492